



Transformative Justice
Prosecution Strategies to
Reform the Justice System and
Enhance Community Safety

George Gascón
District Attorney
City & County of San Francisco
2011-2019



October 3, 2019

Over the past decade, there has been an essential and powerful awakening in the United States regarding criminal justice. After decades of harsh and inhumane strategies, we are finally moving towards a more compassionate paradigm that sees dignity in all people. As District Attorney of San Francisco, George Gascón has been a leader of this awakening, demonstrating that what is just is also what is effective.

I have known George since we worked together in the 1980s and 1990s—when crime and punishment were at their peak. What we both saw was that more punishment, with its destructive path, often leads to more crime. George became the thoughtful leader he is today by reimagining our criminal justice system to put the wellbeing of the community first, to see the humanity of all people, and to emphasize that accountability should apply to all of us—including and especially, the powerful.

Throughout his career, George has fought for what is right often at great personal sacrifice, but he has never stopped reaching, and our communities are safer because of it.

A handwritten signature in cursive script that reads "Gregory J. Boyle, S.J.". The signature is written in black ink and is positioned above the typed name of the signatory.

Father Gregory Boyle
Founder, Homeboy Industries

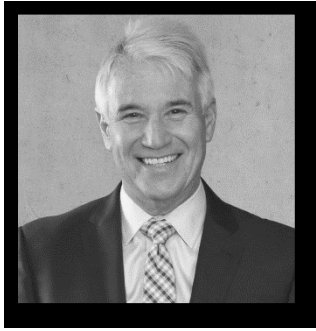
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What has been clear throughout my career—from my time as a beat cop in Los Angeles, working my way up through the ranks to Police Chief in two jurisdictions, and as District Attorney of San Francisco over the past nine years—is that a healthy community is the key to public safety.

Our communities are truly safe only when its members have the opportunity to thrive. But just as a community cannot thrive when crime, chaos, and despair are rampant, it also cannot thrive when it is over-policed, or when many of its members are incarcerated with little hope of rehabilitation. For some time, I think we've known intuitively that communities must be strong, healthy, and whole to also be safe. This sentiment is validated by research that shows community-based organizations play a strong role in preventing both violent and property crimes.ⁱ

Yet, while well-intentioned, the American criminal justice system has caused a tremendous amount of damage to our communities. Indeed, it has been called, “a nearly perfect recidivism machine,”ⁱⁱ based on its terrible outcomes, and enormous financial and social costs. We know incarceration significantly *increases* a young person's likelihood of committing future offenses,ⁱⁱⁱ and yet we continue to incarcerate juveniles, and our prisons are disproportionately filled with young adults.

By focusing on punishment at the expense of rehabilitation, our jails and prisons churn out individuals who are hardened, traumatized, less employable, and who statistics suggest are more likely than not to reoffend. That increases the toll on victims and the harm to our broader community. The criminal justice system as we know it does not help people get better. Too often, it makes things worse.

In 2011, when I stepped into office as San Francisco District Attorney, California's justice system was at a breaking point. Its failure was consuming the state, and sucking resources away from education and public health, the very things that communities need to succeed. It was clear that the system had to change, and that by transforming ourselves, we could achieve transformation for our community and undo some of the damage of the past.

Over the ensuing years, the San Francisco District Attorney's Office pursued a bold agenda both within our jurisdiction and across the state, while also improving the performance of the Office, and most importantly, advancing public safety. Change is hard, especially for entrenched institutions. The changes we implemented were sometimes unpopular, but we have demonstrated that not only can reform be

accomplished without sacrificing safety, it is in fact *necessary* for our communities to become safer.

Since 2011, SFDA has increased charging rates and focused on more serious and violent crimes, while achieving historically high trial conviction rates of over 80%. In 2019, San Francisco is on track to experience the lowest crime rate since 2012, similar to the lows of the 1960s. The violent crime rate is at a ten-year low, and the number of homicides in the City is half of what it was in 2007. We did this without growing our jail population. In fact, San Francisco is the only urban jurisdiction with a half vacant jail. If other jurisdictions followed our lead, the United States would end mass incarceration.^{iv} Importantly, we are also reducing juvenile involvement with the system, with a 50% decline in the number of juveniles referred to the juvenile justice system in the past seven years. Finally, reforming the system reduces wasteful spending by reducing recidivism and unnecessary police and prosecutorial expenditures. It also reduces the racial disparities that have become the system's hallmark.

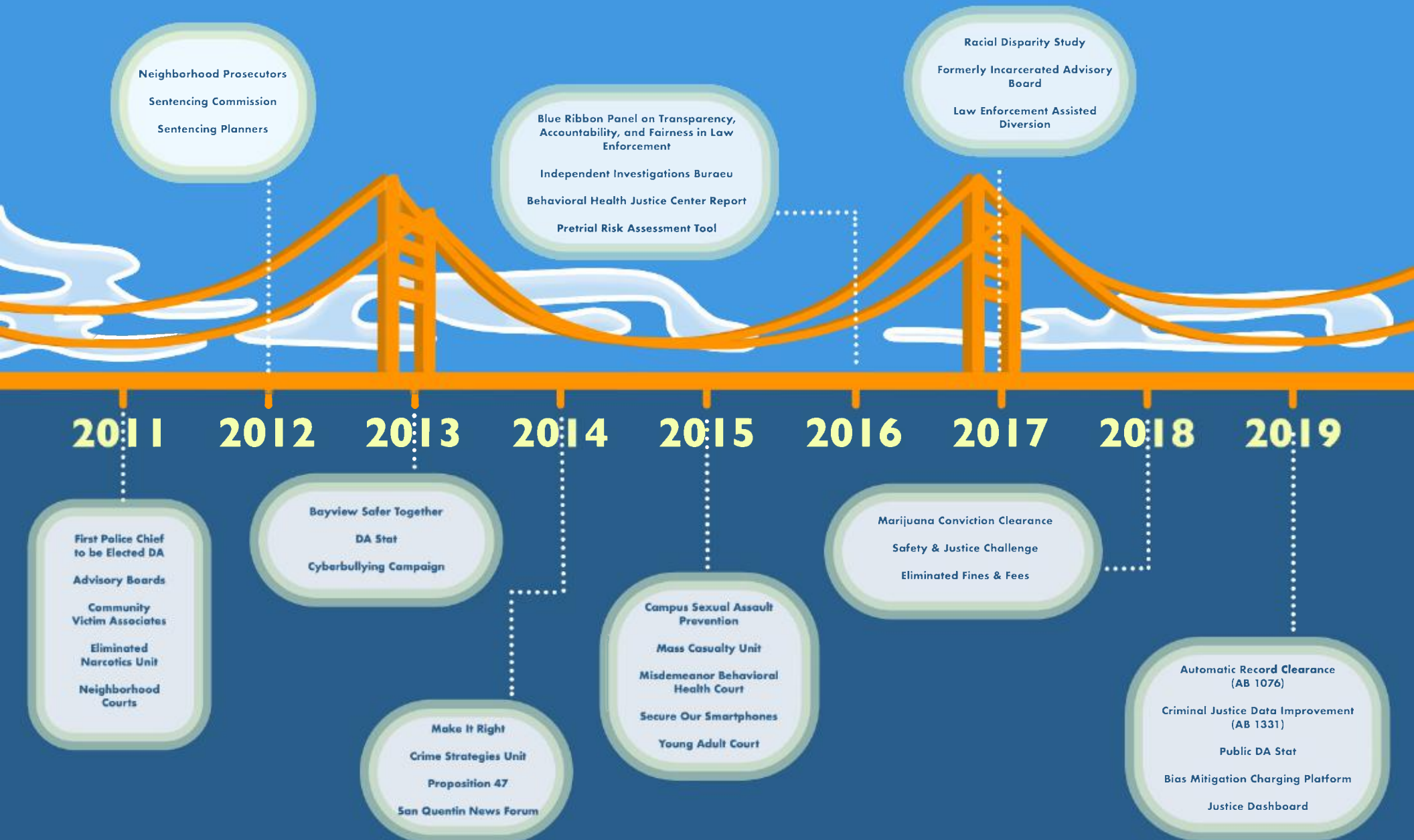
We still have much to do to make our system of justice more effective and more fair, to make our streets safer and our communities healthier. Reform is a long road, and the strategies and interventions outlined in this report were designed over the past nine years of my tenure as San Francisco District Attorney to move us away from an intolerable status quo to true community safety.

- Strategy 1 Cultivate Accountability
- Strategy 2 Advance Equity
- Strategy 3 Promote Dignity
- Strategy 4 Divest & Reinvest



George Gascón

San Francisco District Attorney George Gascón over the years



STRATEGY 1: CULTIVATE ACCOUNTABILITY

In theory, the justice system is defined by the pursuit of truth and accountability. Yet, a true accounting for crime is exceedingly rare in the United States. The majority of courtrooms are used as an oratorical battleground between defenders and prosecutors, with judges serving as referees, and little opportunity for the accused or the victim to address what really matters: why did this happen, what can we do to address it, and how can we make things better, so it won't happen again?

Prosecutors traditionally define a “win” as sending someone to a cell, often for as long as possible, regardless of whether this intervention has any deterrent or rehabilitative effect, or helps the victim recover from the incident. Defense attorneys often define a “win” as getting someone off, with little consideration for the impact of the defendant's actions on victims, communities, or themselves. Jury trials—considered the pinnacle of just process—mirror and magnify this drama, while failing to address either the harm or the root causes of criminal behavior. There is little connection, communication, or humanity in court proceedings. In this environment, finding the truth, and achieving real accountability is nearly impossible.

“DAs have the power to fundamentally change the way we run our courts, sentence people, and help victims recover from harm,” George Gascón.

It is not surprising then that this system fails to deliver for everyone involved: the victim, the accused, or the community. In response to this failure, all too often, criminal justice system actors point fingers at each other: police departments blame prosecutor's offices; prosecutors blame the judiciary; defenders blame police officers, with victims and survivors left as bystanders to their own trauma. This blame game happens despite the fact that most of the people who work in the justice system are committed public servants who share a desire to help people and make society better. Unfortunately, the system they work in is simply not designed to produce healing, justice or safety, and as a result, fails to hold itself accountable to its stated objectives.

For too long, this broken system has cost our society too much, both in real dollars, as well as human suffering. These costs are incurred not only by those touched by the system, but by every member of our society.

It is time to reimagine our justice system to cultivate real accountability. Prosecutors have both the responsibility and the power to make this happen. Several examples of different approaches implemented by the San Francisco District Attorney's Office (SFDA) are described below, ranging from interventions for those engaging in harmful and criminal behavior to efforts to hold powerful businesses and law enforcement accountable—including our own office—and to use government resources responsibly.

Accountability in Action

Make It Right Restorative Community Conferencing

The traditional justice system treats crime as an act against the state, resolved through conviction and punishment. Victims face drawn-out cases and results that often bear little connection to the harm caused. In contrast, restorative justice offers an opportunity to hold individuals accountable for their actions in a manner that actually “makes it right” for those they have impacted – from the direct victim of their act to themselves, their families, and their communities.

Put most simply, restorative justice is “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”^v It offers accountability grounded in relationships and resolved through acts of repair. It puts the harmed party at the center of the process, and is designed to humanize, heal, and empower all parties. It is both a new, and a very old, way to approach accountability for harm.

Restorative practices are not one size fits all – they exist along a continuum, depending on the centrality of the victim’s role and the structure of dialogue and decision making. Some of the most common restorative models include victim-offender dialogue, peacemaking circles, and restorative community conferencing.

In 2014, District Attorney Gascón collaborated with restorative justice experts and community-based practitioners to launch Make It Right—a restorative justice model for youths, aged 13-17, facing prosecution for felony charges. Through Make It Right, young people are given the option, *before* their cases are charged, to participate in restorative community conferencing. In this process, the youth come together with the person harmed and supporters for both parties in a community-based, facilitated dialogue to develop an agreement for the young person to repair harm, address root causes, and make amends. This collective agreement identifies concrete actions the youth will take to address harm caused to the harmed party, the community, the youth’s family, and him/herself. With support from a community-based case manager, the young person has a six-month period to complete their agreement. If successful, the case is not prosecuted. The process occurs wholly outside the traditional justice system, and all proceedings are confidential.

To date, almost 50 youth accused of felony crimes have completed Make It Right in San Francisco. In order to evaluate this model, our office partners with researchers to conduct the “gold standard” of evaluations – a randomized controlled trial, in which eligible youth were randomly selected to participate in the program or go through the traditional system. Youth who have completed the program have a 24-month recidivism rate of just 13% - while similar young people who experienced the traditional justice system response had a recidivism rate of 53%. Based on this 40 percentage point reduction in recidivism – and on the positive feedback of victims, youth and other participants – the SFDA is currently expanding the program to include young adults ages 18-25.

Restorative Justice offers accountability grounded in relationships and resolved through acts of repair.

Crime Strategies Unit

All too often, law enforcement responses to crime are overly broad and far-reaching, sweeping too many people into the criminal justice system with a one-size-fits all approach. Rather than improving community safety, this makes crime worse by increasing recidivism and destabilizing neighborhoods. Community safety is better served when prosecutors focus on developing interventions for those people who are engaging in the most harmful conduct.

After learning of the success of District Attorney Cyrus Vance’s Crime Strategies Unit (CSU) in New York, District Attorney Gascón established the second Crime Strategies Unit in the United States in 2014. San Francisco’s CSU is a multi-disciplinary, problem-solving team of Neighborhood Prosecutors, investigators, and analysts that seeks to identify crime drivers and develop data-driven, narrowly tailored interventions to hold those responsible accountable.

The Neighborhood Prosecutors are embedded in the police district stations of the communities they serve, acting as liaisons between residents and law enforcement, and learning about local crime problems first-hand. This boots-on-the-ground expertise is combined with advanced data analytics to develop an accurate picture of each district’s crime challenges and victimization patterns. What’s more, CSU interventions incorporate community engagement, public awareness campaigns, and crime prevention through environmental design, among other strategies, to ensure that crime is addressed holistically, in partnership with the community and other stakeholders.

The CSU approach ensures that prosecution resources are used efficiently to achieve the greatest impact for community safety. Successful CSU operations include efforts to reduce auto-burglary, illegal firearms, organized retail theft, large-scale fencing, and human trafficking.

Secure Our Smartphones

In 2012, the increasing popularity of smartphones coincided with a surge in violent smartphone robberies. A stolen handset could be sold on the street for \$200 and then fenced to countries overseas where they could sell for as much as \$2,000.

District Attorney Gascón was the first official to demand smartphone manufacturers take action to ensure their customers weren’t victimized, and requested they implement theft deterrent technology on their phones, later regarded as a “kill switch,” to make the valuable devices worthless in the event that they were stolen. He co-chaired an international coalition of law enforcement officials, big city mayors, and consumer rights groups called “Secure Our Smartphones,” which called on the smartphone industry to implement the existing technology. The companies refused, and the increasingly global epidemic hit its peak in 2013 with 3.1 million victims in the United States alone.

Subsequently, District Attorney Gascón drafted and helped pass legislation, Senate Bill 962, which required every smartphone sold in California to come with “kill-switch” technology. The Secure Our Smartphones initiative and the corresponding legislation have been credited with a 50% reduction in smartphone robberies in San Francisco. Additionally, the required technology was implemented on handsets sold worldwide, and as a result, cities around the globe have seen similar reductions.

Internal Investigations Bureau

Communities are safer when their relationship with law enforcement is built on cooperation and respect for shared values and rights. In advancing community safety, prosecutors must also commit to building trust between their own office and the community they represent. It is the prosecutor's responsibility to hold all people accountable, including law enforcement personnel, when a violation of the law has occurred.

Following a scandal in which 14 San Francisco Police Department (SFPD) officers were found to have exchanged numerous highly disturbing racist and homophobic text messages, District Attorney Gascón formed the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement in May 2015. This Panel, comprised of three retired judges—the Honorable LaDoris H. Cordell, the Honorable Cruz Reynoso, and the Honorable Dickran M. Tevrizian—from across the state of California, was tasked with investigating whether the bias demonstrated by the texts reflected institutionalized bias in SFPD, an investigation pursued by no other city agency. Subsequent to the launch of the panel, and in the wake of six fatal officer-involved shootings in 2015, the Office of Community Oriented Policing Services (COPS) of the Department of Justice completed a separate review in October 2016. Together, these reviews identified pervasive issues regarding transparency, oversight, community trust, and bias in SFPD, and recommended hundreds of reforms. Also, in 2016, the San Francisco Civil Grand Jury identified concerning delays in the investigation of use of force incidents. Up until this point, SFPD was responsible for investigating itself in the event of a critical use of force incident.

As of October 2019, San Francisco has not experienced a fatal police shooting in more than 570 days, the longest stretch between shootings in over a decade.

In December 2016, after reviewing the findings and evaluating the need for reform around police misconduct and officer-involved shootings, SFDA established the Independent Investigations Bureau (IIB) to promote law enforcement accountability by conducting independent investigations, and criminally prosecuting officers who violate the law. IIB is an independent unit with the SFDA's office comprised of attorneys, investigators, and paralegals, that reports directly to the District Attorney. IIB takes the lead on every officer-involved shooting and in-custody death that occurs in San Francisco, as well as serious use of force incidents, submits findings to the California Department of Justice, and disseminates reports to the public. Since its founding, IIB has reduced the time to conduct officer-involved shooting and in-custody death investigations by more than 50% and prosecuted more than 20 officers for police misconduct. As of this writing, there hasn't been a fatal police shooting in San Francisco in over 570 days, the longest stretch between shootings in over a decade.

DA Stat

In May 2019, SFDA became the first District Attorney's Office in the state of California to share prosecutorial data and metrics with the public via the DA Stat Dashboards. In the digital age, the

collection, reporting, analysis and transparency of data are central to good governance, and DA Stat reflects SFDA’s commitment to public accountability and transparency.

District Attorney Gascón originally launched DA Stat as an internal performance measurement program in 2013, to measure success in achieving SFDA's goals, and to demonstrate the value of using data to ensure the fair and effective administration of justice. Since then, SFDA has become one of the most renowned data-driven prosecutors’ offices in the United States.^{vi} DA Stat is built on a commitment to data collection within the San Francisco District Attorney's Office, collaboration across local criminal justice agencies, and statistical analysis that generates meaningful operational metrics that inform internal policy development and resource allocation. The public version of the [tool](#), available on the SFDA web site, allows the public to explore metrics across the criminal process dating back to 2011.

STRATEGY 2: ADVANCE EQUITY

Perhaps more than any other institution, the criminal justice system reflects the legacy of inequitable social and economic policies, practices, and investments that have disadvantaged and harmed communities of color, and particularly African-Americans, in the United States. Fixing this dynamic requires recognition that institutional racism and implicit bias permeate every aspect of the criminal process.

As the highest ranking law enforcement official in any given jurisdiction, as well as the central decisionmaker in the criminal process, prosecutors can take steps to address this legacy and advance equity throughout the criminal justice system. In fact, as administrators of justice, prosecutors have the moral and ethical obligation to identify and tackle racial disparities of all kinds within the criminal justice system, from policing to pre-trial detention to prosecution to adjudication.

In a big city like San Francisco, rich in racial, socioeconomic, and other forms of diversity, the goal of eliminating racial disparities requires changes on many fronts. It means developing new approaches to criminal prosecution. It calls for collecting data from arrest through sentencing, and critically assessing policies and practices that underlie prosecutorial decisions. It means investigating the differential treatment of marginalized groups that have resulted from racially disparate law enforcement and taking steps to undue that harm. It also calls for a better understanding of our own unconscious biases, which if left unchecked, become powerful agents in perpetuating disparities.

Equity in Action

Young Adult Court

As a culture, we have extended our concept of childhood over the last few decades. Traditional “adult” benchmarks such as careers, marriage and parenthood are increasingly happening later in life. We declare young adults too young to drink, smoke or rent cars. Research in neurological and

behavioral development has helped us to better understand that this dynamic period of growth continues into the mid-20s.

We collectively view most young adults as kids, still growing up. Peer pressure, impulsivity and risk taking are expected – and sometimes even celebrated. We afford them the opportunity to make mistakes in a nurturing, prosocial, forgiving environment (college) where we encourage them along a path to a bright future. There is broad acceptance that they will outgrow delinquency. But for other young adults – and particularly young men of color – we take a vastly different approach. We effectively flip a switch on their 18th birthday (and sometimes earlier). We ignore data that tells us they are likely to outgrow negative behaviors. Many publicly funded supports abruptly end. We view their behaviors through the lens of the adult criminal justice system, which is neither designed nor equipped to meet their needs. They emerge from the system with a criminal record that further impedes their ability to make their way into adulthood. We expect more of them, while providing much less.

Young Adult Court (YAC) was created to ensure that disadvantaged young adults who find their way into our justice system are met with the resources, understanding, support, and orientation toward a bright future that our community and culture typically afford to people this age. Launched by SFDA in 2015, in partnership with the San Francisco Superior Court, Adult Probation, the Public Defender, clinical and workforce development partner agencies, the court offers a collaborative, problem solving model for young adults ages 18-25 facing a wide range of offenses, including violent and nonviolent felonies. The YAC team has worked collectively to develop a unique program model that is both developmentally and trauma-informed. Each YAC participant is assigned to a specially-trained clinician, who collaborates with the entire YAC team to engage, motivate, and support the participant.

Since 2015, almost 100 young people have graduated from the program, embarking on a path into adulthood with critical supports and perspective – and without a paralyzing criminal record. The program consistently operates at capacity, has garnered widespread interest and is being replicated in Massachusetts, Texas, and Southern California.

Mitigating Bias

Recognizing that race and ethnicity affect every discretionary point, whether consciously or unconsciously, in the criminal justice system, District Attorney Gascón has actively pursued a research agenda to develop the tools and resources prosecutor's offices need to root out both explicit and implicit bias.

In order to reduce bias in the justice system, we must understand it: we must measure the problem and determine what is driving it, so that we can develop effective interventions. To that end, SFDA collaborated with UC Berkeley and University of Pennsylvania researchers to analyze racial disparities in criminal case processing from 2008 to 2016 in San Francisco.^{vii}

The researchers found that across nearly every measure, African American defendants fared worse than any other ethnic group, and that these disparities were driven primarily by case characteristics determined prior to the prosecutor's charging decision, such as arrest charges, criminal history, probation status, and pretrial detention. While the researchers found that SFDA was not

exacerbating preexisting racial disparities in the criminal justice system, and in many instances was mitigating them, they recommended that prosecutors maximize opportunities to safely release appropriate defendants from custody pretrial and diversion opportunities that avoid conviction in order to further reduce disparities.

The researchers also found that Proposition 47, a 2014 ballot initiative co-authored by District Attorney Gascón, significantly narrowed racial disparities throughout the criminal process. For example, Proposition 47, which changed certain low-level drug and property crimes from felonies into misdemeanors, decreased the sentence disparity between white and black defendants by 50% in San Francisco. Proposition 47 demonstrates that prosecutors can spearhead sentencing reforms that result in real reductions in the racially disparate treatment of community members by the criminal justice system.

In 2019, SFDA went further, and sought the assistance of the Stanford Computational Policy Lab to develop a new open-source bias mitigation tool that uses artificial intelligence to diminish implicit bias in prosecutorial charging decisions. The tool, which was developed at no cost by the Stanford Computational Policy Lab, ingests police incident report data and automatically eliminates demographic information, and other details that can serve as a proxy for race, in order to ensure prosecutors' charging decisions are not influenced by implicit biases. In addition to the redaction tool, each attorney is required to review a Prosecutor Implicit Bias Card, directing the reviewer to act consciously and deliberately, be self-aware, and create a process to serve as a check on implicit bias. This policy is one action in a series of steps to mitigate and eliminate the impact of implicit bias on prosecutor decisions and defendant outcomes.

Marijuana, Record Clearance & Redemption

There may be no prosecutorial action more specifically transformative and rehabilitative than facilitating arrest and conviction record relief. Just as prosecutors are uniquely positioned to influence the charging of an arrest and the adjudication of a complaint, they are uniquely positioned to enable record clearance, both through legislation, as well as policy and practice.

Criminal records hamper the employment, housing, and educational prospects of over 8 million Californians and 77 million Americans, in most instances, trapping them in paper prisons for life. Nearly 90% of employers, 80% of landlords, and 60% of colleges screen applicants' criminal records.^{viii} The *Survey of California Victims and Populations Affected by Mental Health, Substance Issues, and Convictions* found that 76% of individuals with a criminal conviction report instability in finding a job or housing, obtaining a license, paying for fines or fees, and having health issues. A National Institute of Justice study found that having a criminal record reduced the chance of getting a job offer or callback by 50%. All of these obstacles disproportionately harm communities of color because they are disproportionately impacted by the justice system.

Ultimately, record clearance benefits community safety, since lack of access to employment and housing are primary factors that drive recidivism. Criminal records are serious barriers to successful reentry, and also come at a great cost to California's economy. Nationally, it has been estimated that the United States loses roughly \$87 billion per year in terms of gross domestic product due to employment losses among people with criminal records.

In contrast, record clearance offers people the opportunity to thrive. Researchers at the University of Michigan Law School found that individuals whose records are cleared have extremely low rates of recidivism and experience profound improvements in their employment, including a 25% increase in wages.^{ix}

Recognizing that record clearance advances both public safety—by reducing recidivism—as well as justice and equity, District Attorney Gascón pursued a clean slate legislative and policy agenda throughout his tenure. Successful initiatives included legislation to increase record clearance opportunities for people who successfully completed prosecutor-led pre-filing diversion programs (Senate Bill 513) and ensuring that cleared arrest records are not disseminated publicly (SB 393).

District Attorney Gascón was also a co-author of Proposition 47, passed in 2014, which implemented three broad changes to felony sentencing laws, reclassifying certain theft and felony drug possession offenses from felonies to misdemeanors, allowing those serving sentences for those offenses to petition the court to resentence their case, and allowing those who had completed their convictions for these offenses to petition the court to reclassify their criminal history records as misdemeanors. Proposition 47 has reduced racial disparities in arrests^x and sentencing,^{xi} reduced recidivism, and increased funding to treatment programs across the state, all while crime rates remain comparable to the low rates observed in the 1960s.^{xii}

SFDA took this work further when marijuana legalization went into effect in California, and started a national movement, when it became the first prosecutor's office in the country to proactively clear marijuana convictions.

Proposition 64 includes provisions to clear records for prior marijuana convictions, but like most record clearance statutes, it requires petitioning the court which requires the affected party to get a lawyer, take time off work, go to court, and file the necessary paperwork. In contemplating what prosecutors could do to end marijuana prohibition and undo the harm caused by the war on drugs, which was disproportionately experienced by communities of color, it became clear that rather than serve as roadblocks to record clearance prosecutors could become expeditors.

In January 2018, District Attorney Gascón announced that SFDA would commence reviewing and clearing all marijuana convictions in San Francisco dating back to 1975, requiring no action by those with such convictions on their record. Shortly thereafter, Code for America approached the Office about using *Clear My Record* technology to take this effort to automate and scale the effort. The combination of a bold reform agenda with Code for America's technology inspired a wave of marijuana record clearance across the state and the country.

SFDA's record clearance efforts culminated in drafting the nation's most comprehensive automatic record clearance law, which was signed into law in October 2019. AB 1076 removes barriers to record clearance by removing the burden on the petitioner and automating arrest and conviction relief for individuals already eligible under current California laws. This policy leverages technology

With Code for America's support, SFDA dismissed and sealed over 9,300 felony and marijuana convictions. The result is that 1,336 people no longer have a felony on their record, and 729 people have no record at all.

to efficiently update criminal records that are disseminated by the California Department of Justice for employment, housing, education, and licensing purposes. Specifically, AB 1076 automatically clears records for arrests that did not result in conviction after the statute of limitations has passed, and automatically clears convictions on local sentences to probation and jail once the sentence is completed for persons who have remained crime free, including both misdemeanors and felonies. The California Policy Lab estimates that nearly 500,000 Californians will be impacted within the first five years of AB 1076 implementation.

STRATEGY 3: PROMOTE DIGNITY

At the center of a modern justice paradigm, one that truly transforms the criminal justice system, is dignity—dignity for the victim, for the accused, and for the community. Take a walk down the hallway of any courthouse in America, and you will find that dignity for any of these groups is rare, if nonexistent. The criminal justice system has become a machine that depersonalizes people, and thereby undermines humanity. At the end of the day, we must recognize that the justice system is about people, all of whom have personal agency and equal rights under the law, and all of whom deserve dignity and respect. Furthermore, we must acknowledge that on any given day someone can be the accused, the victim/survivor, and a member of the community – and we must heed the limitations of these labels. These experiences are not static or homogenous, nor do they define the person.

Dignity cannot just be a concept or a value to strive for, we must infuse it into policies and procedures at every stage of the process. When we do, we see that it is in fact a community safety tool. For victims, dignity means having a real voice in the process through victim-centered justice. For communities, dignity means self-determination. For the accused, it means opportunity, treatment, and accountability, all of which reduce recidivism.

Dignity in Action

Victim Centered Justice

When a person has been harmed, wronged, or experienced loss at the hands of another, they seek justice and healing after victimization. The criminal justice system ensures that the accused has rights and resources to defend themselves and services to facilitate their re-entry to the community, but little attention and resources are directed to the victims whose lives may be forever changed by the act of another. Crime victimization takes away a person's power and safety and many endure the effects of trauma long after the justice system has completed their role. The vast majority of victims do not find justice in the system, as many offenders are not known, arrested, charged or convicted. It is important for us to have a system that takes care of victims/survivors regardless of the outcome of the criminal case.

Victim Centered Justice goes beyond what the system dictates, and instead focuses on the needs of victims, including compassionate and sensitive delivery of services without judgement. It ensures victims have a voice in the criminal justice process, that they can speak to the harm they have experienced and get the tools and resources they need to return to their lives as they were before the crime. Physical, mental, emotional and economic losses experienced by a victim need to be addressed in order to facilitate healing and recovery for a victim.

The SFDA Victim Services Division provides comprehensive services to victims of crime to help mitigate their trauma, that begin at the inception of the crime with crisis support, including navigation through the justice system, safety planning and financial resources to pay for health, mental health, safety and relocation.

Not everyone experiences crime victimization in the same way. People who are vulnerable and marginalized can have additional barriers and needs in accessing services following a criminal victimization. SFDA has developed several specialized services to respond to populations that need extra support and assistance. Services range from special court escort for victims whose safety is at risk because of their immigration status, to those experiencing threats from a defendant.

In 2015, in response to the growing number of active shooter and mass casualty crime events, SFDA pioneered the first local and regional response of victim service advocate planning, training and deployment for critical incidents. This model has now been replicated across California. SFDA has developed multiple outreach and engagement efforts to reach victims who have traditionally avoided interaction with system-based victim advocacy including providing trainings to partners, extensive community outreach events, funding partnerships and collaboration with service providers, and out-stationing community-based advocates to target communities with the highest rates of criminal activity but lowest rates of service utilization.

The SFDA Victim Services Division uses data, stakeholder input and self-identification data from victims to inform our services and direct our resources. Since 2014, there has been a 75% increase in the number of victims served thanks to efforts to be more responsive, accessible and involved in our community.

Safer Together

San Francisco's Bayview-Hunters Point community (Bayview) has long borne the effects of socio-economic marginalization, crime and violence – on the streets and within families. Over the last few decades, Bayview has been the site of numerous efforts focused on crime reduction grounded in suppression and enforcement tactics. Other efforts provided short-term investments that failed to address root needs of the community.

In 2013, the SFDA was awarded a \$1 million grant from the US Department of Justice that presented us with an opportunity to do things differently. This initiative, called “Safer Together,” was rooted in the idea that supporting Bayview community members to heal from exposure to crime and violence could improve community safety. This approach was supported by research demonstrating that people who have been victims of crime are the most likely to be future victims, and that victimization of young people can lead to delinquent behavior – that, “hurt people hurt people.”

Bayview Safer Together turned, in part, to science to help us understand what we instinctively know: that untreated trauma has serious and insidious impacts on our brains, our bodies, and our behavior – and that there are effective ways to heal. But, more deeply, Safer Together was based on the conviction that government and community need to work together in active partnership grounded in relationships and personal agency – not paternalism. Community members and organizations are the key actors in creating a healthy, sustainable community, and government needs to invest in their success.

To this end, SFDA’s Safer Together strategies were developed to promote both healing and capacity building – on individual, organizational, and community levels. District Attorney Gascón brought in professionals in trauma treatment to share their expertise with the community – and looked to the community for its own expertise. We heard from individuals impacted by crime about how they wanted

to be treated, what they needed to heal, and even what they wanted to be called. We passed the federal funds to Bayview community-based organizations to create new programs of their own design, grounded in neighborhood culture, history and values.

To be sure, Bayview needs significant, relevant and respectful investment beyond the opportunities afforded by this initiative. And across the country, relationships between communities and law enforcement are fractured and need healing. But core to this healing is a recognition that the authentic, combined effort of community stakeholders and government agencies is greater than the sum of its parts. In other words, we are Safer Together.

Behavioral Health Justice

The intersection of mental illness and the justice system is painfully apparent on our streets and in our courtrooms and jails. Across the country, 60% of jail inmates experience mental health challenges. In San Francisco, 40% of inmates in the county jail receive treatment from Jail Behavioral Health Services. The justice system has long been the default response to behaviors fueled by untreated mental illness and addiction—but incarceration and criminal records do not address those underlying needs.

The ability to access treatment is key to individual dignity and to community safety. While we should strive to provide services before a crime is committed, prosecutors must collaborate with justice system partners, treatment providers, peers and families to ensure that we have meaningful, timely pathways to treatment at every decision point in the system. In San Francisco, programs like Law Enforcement Assisted Diversion, Mental Health Diversion, Behavioral Health Court, and forensic case management provide critical off-ramps from arrest, prosecution and incarceration to healing, wellness, and safety. We must be bold to make meaningful change in this space, and San Francisco’s

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quality of life would benefit tremendously if [the recommendation](#) from a panel of experts convened by District Attorney Gascón in 2016, to implement a Behavioral Health Justice Center, was adopted by the Mayor and the Board of Supervisors.

Sentencing Planners

Prosecutors play a key role in recidivism reduction and need practical tools to assist them in making informed decisions. They have discretion over which cases to bring, and what offenses to charge, plead and sentence. This discretion creates the opportunity to re-think how we achieve community safety. The SFDA Sentencing Planning program, the first of its kind in California, brings staff focused on addressing criminal behavior to make communities safer into the Office to work hand in hand with prosecutors.

In an effort to break the cycle of crime and victimization, the Sentencing Planning Program, implemented in 2012, focuses on the accused and their readiness for services and rehabilitation that address their criminogenic factors. Utilizing an evidence-based risk, needs and protective factor tool SPIIn™ (Orbis), Sentencing Planners evaluate the individual's history and presenting situation to develop a plan that builds on the defendant's static and dynamic strengths and challenges. Along with face to face interviews, case file reviews, and input from service providers and system partners, Sentencing Planners then employ their expertise in local resources and services to develop a plan that provides options for the prosecutors to use in the disposition of the case. Recommendations include vocational training, mental health services, substance abuse treatment, housing and volunteer recommendations, and when requested, length and type of supervision. The prosecutor then decides whether to incorporate the Sentencing Planner's recommendation. A 2014 UC Berkeley study of the Sentencing Planning found compelling evidence that it reduces recidivism and prosecutor reliance on incarceration.

San Quentin News Forums & the Formerly Incarcerated Advisory Board

There is a growing movement in our country to better understand what effective and lasting criminal justice reform looks like. Essential to this movement is incorporating all perspectives, especially those of individuals who have experienced the system firsthand and are committed to making it more just for all. In 2014, District Attorney Gascón became the first District Attorney to visit San Quentin State Prison, marking the beginning of a special relationship between the Office and the prison. During that first visit, forum participants included SFDA Chief of Staff, Sentencing Planner, Director of Community Engagement, and Chief of the Criminal Division. About 40 people attended this half-day event.

The SFDA's Office now regularly takes trips to San Quentin State Prison, with each visit including a growing number of prosecutors from the Office, elected officials and judges from throughout the Bay Area. What's more, in 2017, SFDA led more than 40 elected district attorneys and representatives from other agencies throughout the United States to San Quentin. The vision is that such exposure allows prosecutors to learn more about the men, their lives, remorse and redemption, and results in more informed and equitable prosecution. The profound discussions during the San Quentin Forums also inspired SFDA to create the nation's first Formerly Incarcerated Advisory Board.

STRATEGY 4: DIVEST & REINVEST

To be truly successful in efforts to cultivate accountability, advance equity, and promote dignity, prosecutors must acknowledge that our criminal justice system has played an outsized role in American society. It has served as the default response for a broad range of social issues better addressed through other systems and community strategies. And, it has offered an illusory promise of safety through “tough on crime” measures that are grounded in political expedience rather than their ability to make our communities safer.

If we are truly committed to thriving individuals and communities, it’s well past time for our justice system to divest from some of its current practices – and to reinvest the resulting savings in the actors best equipped to do that work.

Divestment can, and must be, achieved in several ways. First, we can and should reduce the justice system footprint. Rather than viewing the system as our default mechanism for addressing harm, we must recognize that much of this work may be done better by other actors, whether it be the community or other public systems, and through other models, such as restorative justice and treatment. Second, we must reduce the severity of our system response. We need to scale back our default use of incarceration, long periods of supervision, and overwhelming conditions of probation. In some cases, this should be replaced by linkages to other, more appropriate circles of support and accountability, including supportive pretrial release, diversion, treatment, and alternatives to incarceration. In other cases, we should look to research to help us determine responses, such as probation length and terms, based on risk and evidence-based practices. Finally, we can reduce collateral consequences. From fines and fees to barriers to much-needed services and benefits, we need to ensure that system involvement doesn’t cast a shadow over an individual’s ability to embark on a positive pathway.

Similarly, reinvestment also has many forms. At an individual level, we can invest in personal agency—supporting individuals to identify their own goals and pathways to success. At the community level, we can invest in neighborhood groups to resolve harm and implement prevention strategies, and in community-based organizations that offer culturally appropriate services and enduring relationships. And at the systems level, we can divert funds from the justice system to those agencies best equipped to attend to social needs, including public health, housing, education, employment, and other critical government supports. Reinvestment is not only about redirecting funding – it must include redirecting power in all its other forms: voice, decision making authority, access to resources, and information.

Divestment and Reinvestment in Action

Neighborhood Courts

Justice reform is not only about changing the way our system operates – it’s also about reducing the footprint of the system itself. We need to recognize that in many situations, the community is the best responder to harm, and that well-being and engagement are themselves community safety strategies. And we need to put our money where our mouth is by reinvesting in the community in ways that are designed to prevent and respond to wrongdoing.

Launched in 2012, Neighborhood Courts is an innovative model for diverting adults facing prosecution for low-level offenses from prosecution – and centering the response to these crimes in the communities that are directly impacted.

Non-violent misdemeanor cases that would otherwise be prosecuted are offered the opportunity to have their case resolved in ten Neighborhood Courts across the City (one for each police district), where trained neighborhood volunteer adjudicators hear the matters, speak with the participants

about the harm caused by their actions, and issue individualized “directives” designed to repair that harm and address risk factors. There are no lawyers or judges in Neighborhood Court, and proceedings are confidential. Once the participant completes their directives, the case is discharged and the participant is eligible to have their arrest record cleared. Cases that do not resolve in Neighborhood Court are returned to the SFDA for prosecution.

In some cases, Neighborhood Courts participants are directed to pay “community restitution” to the Neighborhood Justice Fund, managed by the SFDA. On an annual basis, these funds are distributed to community-based organizations for projects of their own design to enhance the safety, livability and cohesion of San Francisco neighborhoods. In this way, participants are directly contributing to the vitality of the communities that have been harmed by their behavior – and doing so in ways that honor the communities’ values and priorities.

The Neighborhood Courts program is a partnership of the SFDA, community-based organizations with expertise in restorative practices and client support, and the people of San Francisco. Neighborhood Courts was identified as a 2015 Innovation in Criminal Justice by the United States Department of Justice/Bureau of Justice Assistance, Association of Prosecuting Attorneys and Center for Court Innovation. The model has been replicated in Los Angeles and Yolo County California, is currently undergoing implementation in Santa Cruz and Contra Costa Counties, and has garnered interest from jurisdictions across the country. In 2019, the RAND Corporation launched a three-year comprehensive evaluation of Neighborhood Courts, funded by the National Institute of Justice.

Since its inception, over 4,000 cases have been diverted to Neighborhood Court, 130 community members have served as adjudicators, and 78 grants have been awarded to community-based organizations through the Neighborhood Justice Fund.

Safety and Justice Challenge

In 2018, SFDA secured a \$2 million grant from the John D. and Catherine T. MacArthur Foundation to reform the local justice system. The funding supports the implementation of strategies that address the main drivers of local jail incarceration, including unfair and ineffective practices that take a particularly heavy toll on people of color, low-income communities, and people with mental health and substance abuse issues.

The City and County of San Francisco has been reducing its jail and prison populations at a pace that far exceeds state and national rates. According to a recent analysis, San Francisco's current incarceration rate of 279 per 100,000 population is less than half the rate for California, and less than one third the national rate. Furthermore, the analysis indicated that this decline in the correctional population has occurred at the same time as San Francisco's crime rate has reached historic lows.^{xiii}

“If the rest of the country could match San Francisco’s rates, the number of individuals under correctional supervision would plummet from 7 million to 2 million. The nation’s 2.3 million prison and jail populations would decline to below 700,000 and mass incarceration would be eliminated.”

Despite a significant drop in San Francisco's incarceration rate and advancements in the county's custodial programs and community-based alternatives, there is still an overrepresentation of young adults of color and those with behavioral health needs in our jails. To continue reducing the jail population safely, the collaborative will implement five key strategies aimed at addressing system inefficiencies and disparities, meeting the needs of those with behavioral health and substance abuse issues, and instituting non-jail options for individuals facing charges for lower-risk offenses.

The specific strategies include pre-arrest and pretrial diversion, criminal sentencing, and correctional strategies that emphasize rehabilitation and reduce recidivism, improvements to case processing efficiency, enhanced services for people with mental illness or substance abuse issues involved with the justice system, and root out disparity and racial bias. Over the next two years, San Francisco will develop evidence-based criminal sentencing and correctional strategies that emphasize rehabilitation and reduce recidivism, emphasize fairness, root out disparity and racial bias, prioritize public safety and victim protection, and efficiently use criminal justice resources. Ultimately, this funding will help eliminate the need for a replacement jail facility.

Fines & Fees Taskforce

District Attorney Gascón has long held the view that there are times when the best move government can make is stopping a harmful action or not being a barrier to a good policy. Reducing and eliminating fees does not reduce consequences, it reduces barriers to reentry. When we reduce financial barriers, we increase a person's ability to secure employment, a job, healthcare and a place to live, facilitating successful reentry as well as victim restitution payments.

Convened in October 2016, the San Francisco Fines and Fees Task Force, of which SFDA was an active participant, chose to focus on the elimination of criminal justice fines and fees charged to people exiting the system. The initial focus on “ability to pay” later shifted to address the question, “What are they paying for?” and “Are there instances where we (the system) can stop assessing fines and fees?”

In collaboration with the Financial Justice Project, Public Defender, Sheriff, Adult Probation, Juvenile Probation and Superior Court, the Task Force eliminated 10 county-controlled fees assessed by the Superior Court. SFDA drafted and signed the petition to the Superior Court which lifted more than \$32.7 million in debt from unpaid criminal justice administrative fees for 21,000 people.

The CONNECT Program

Quality of life citations for infractions like loitering or sleeping on a sidewalk are often issued to people struggling with homelessness, who in most instances cannot afford to pay. Unpaid citations—and \$300 civil assessments for missing court dates—can add up to court debt that damages credit scores, makes it hard to secure housing, and limits access to some supportive programs, creating yet more barriers to individual and community well-being.

Seeking a more equitable and automated solution to this problem, District Attorney Gascón formalized a policy allowing people struggling with homelessness to resolve specified citations after receiving 20 hours of social services: the CONNECT Program. CONNECT enables people to meet their obligation by getting the help they need from a trusted social service provider in the community. Examples of services include: support in accessing food, housing, mental health counseling, employment, and drug and alcohol services.

Prior to the development of the automated process, individuals could be required to appear in court three or more times before receiving the benefit of the program, or much needed services. This arguably restricted the benefit to lower need and higher resourced populations. Now, under the CONNECT Program, once an individual completes 20 hours of social services, the citation is automatically dismissed. The time previously devoted to court appearances is used instead to connect to services that will prevent further involvement in the system. As of June 2019, 75 individuals have been connected to social services, preventing over \$22,000 in civil assessments levied.

CONCLUSION

This is an extraordinary moment in American justice. Across the country, we are witnessing a new understanding of the power of prosecutors—not only to affect individuals’ lives, but to effect broad justice system reform. And there is much to be done. We need to challenge deeply rooted traditions. We need to examine stale assumptions about the drivers of crime and community safety. And we need to reckon with our long history of overcriminalization of and underinvestment in communities of color. This work is as daunting as it is necessary. But the principles set out in these pages—cultivating accountability, advancing equity, promoting dignity, divesting and reinvesting—offer a scaffold upon which prosecutors from diverse jurisdictions can build their own models for enhancing community safety and equity through transformative justice.

Initiatives, 2011-2019

Advisory Boards (2011)

“We are safer when community members and law enforcement work together to identify public safety issues and solutions.”

-District Attorney George Gascón

Developing a lasting public safety model requires partnering with our many diverse communities to better understand, prevent, and address issues facing specific groups in our city. The San Francisco District Attorney’s Office has nine advisory boards that meet several times a year to do just this. Each group consists of merchants, businesses, community-based organizations, neighborhood representatives, and residents who identify key and relevant policy issues affecting the communities they represent for further investigation and action.

- African American Advisory Board
- Arab, Middle Eastern, Muslim, & South Asian Advisory Board
- Asian/Pacific Islander Advisory Board
- Formerly Incarcerated Advisory Board
- Jewish Advisory Board
- Latino Advisory Board
- LGBTQ Advisory Board
- Victim Advisory Board
- Women Advisory Board

The **Formerly Incarcerated Advisory Board**, founded in 2016, is the first board of its kind associated with a prosecutor’s office. The board is composed of formerly incarcerated individuals, many of whom were ‘lifers’ in prison before being granted parole, who shed light on the criminal justice system through the lens of those who have been directly impacted by the system. Members meet regularly with the DA to discuss meaningful efforts to create supportive systems for safe and productive reintegration of formerly incarcerated men and women into society.

Automatic Record Clearance (2019)

Eight million California residents have criminal convictions on their records that hamper their ability to find work and housing, secure public benefits, or even get admitted to college. Millions more have old arrests on their record that never resulted in a conviction but remain as obstacles to employment. Nearly 90% of employers, 80% of landlords, and 60% of colleges screen applicants' criminal records. The Survey of California Victims and Populations Affected by Mental Health, Substance Issues, and Convictions found that 76% of individuals with a criminal conviction report instability in finding a job or housing, obtaining a license, paying for fines or fees, and having health issues. A National Institute of Justice study found that having a criminal record reduced the chance of getting a job offer or callback

Lack of access to employment and housing are primary factors driving recidivism, criminal records are serious barriers to successful reentry and come at a great cost to California's economy. Nationally, it has been estimated that the U.S. loses roughly \$65 billion per year in terms of gross domestic product due to employment losses among people with criminal records.

Historically, California law has allowed individuals to clear arrests that did not result in a conviction, and to clear convictions that are eligible for dismissal by petitioning the court. However, this imposes a burden on affected individuals to be made aware of their eligibility and retain an attorney to proactively file the necessary petition. It is estimated that these barriers have prevented over 90% of eligible people from obtaining record clearance, relegating millions of Californians to 'paper prisons' for life due to their criminal records. Barriers to accessing criminal record relief perpetuate the long history of disproportionate impact of the justice system on socioeconomically disadvantaged communities, and communities of color in particular.

In 2019, District Attorney Gascón co-sponsored Assembly Bill 1076, the most comprehensive automatic record clearance legislation in the United States, with Assembly member Phil Ting and Californians for Safety & Justice. AB 1076 was inspired by SFDA's groundbreaking work on [Marijuana Conviction Relief](#), and builds on the success of the [C.A.R.E Act](#). Through those efforts, it became clear that the most efficient and effective way to clear eligible arrest and convictions was to do so at the source—through automation—rather than require a decentralized, paper-based effort across California's 58 counties. AB 1076 mandates that the California Department of Justice undertake the following automation measures for all persons arrested and/or convicted on or after January 1, 2021:

- Identify eligible persons whose arrests have not resulted in conviction and/or who have served their time and remained crime free;
- Add a notation to the record stating that relief has been granted;
- Prevent the dissemination of records that have been granted relief to a specific subset of employers and boards; and,
- Notify courts of cleared records and prohibit courts from disclosing cleared records to anyone other than the subject or law enforcement.

Through these steps, it is estimated that California will provide a path to true redemption and opportunity to 100,000-200,000 Californians each year.

Bayview Safer Together (2013)

San Francisco's Bayview-Hunters Point community (Bayview) has long borne the effects of socio-economic marginalization, crime and violence – on the streets and within families. Over the last few decades, Bayview has been the site of numerous efforts focused on crime reduction grounded in suppression and enforcement tactics. Other efforts provided short-term investments that failed to address root needs of the community.

In 2013, the SFDA was awarded a \$1 million grant from the US Department of Justice that presented us with an opportunity to do things differently. This initiative, called "Safer Together," was rooted in the idea that supporting Bayview community members to heal from exposure to crime and violence could improve community safety. This approach was supported by research demonstrating that people who have been victims of crime are the most likely to be future victims, and that victimization of young people can lead to delinquent behavior – that, "hurt people hurt people."

Bayview Safer Together turned, in part, to science to help us understand what we instinctively know: that untreated trauma has serious and insidious impacts on our brains, our bodies, and our behavior – and that there are effective ways to heal. But, more deeply, Safer Together was based on the conviction that government and community need to work together in active partnership grounded in relationships and personal agency – not paternalism. Community members and organizations are the key actors in creating a healthy, sustainable community, and government needs to invest in their success.

To this end, SFDA's Safer Together strategies were developed to promote both healing and capacity building – on individual, organizational, and community levels. District Attorney Gascón brought in professionals in trauma treatment to share their expertise with the community – and looked to the community for its own expertise. We heard from individuals impacted by crime about how they wanted to be treated, what they needed to heal, and even what they wanted to be called. We passed the federal funds to Bayview community-based organizations to create new programs of their own design, grounded in neighborhood culture, history and values.

To be sure, Bayview needs significant, relevant and respectful investment beyond the opportunities afforded by this initiative. And across the country, relationships between communities and law enforcement are fractured and need healing. But core to this healing is a recognition that the authentic, combined effort of community stakeholders and government agencies is greater than the sum of its parts. In other words, we are Safer Together.

A New Jail is Not the Answer to our Mental Health Crisis (2015)

All Signs Point to Continued Reduction in our In-Custody Population

Fifty percent of jail cells in San Francisco are vacant, and all signs point to continued reductions in our in-custody population. Our office released a study, in collaboration with researcher James Austin of the JFA Institute detailing exactly this. The report, entitled “Eliminating Mass Incarceration: How San Francisco Did It,” found the following about San Francisco jail and prison populations:

Since 2009, the percentage of inmates requiring psychiatric medication has increased 30%.

- The City has reduced its jail and prison populations at a rate that far exceeds state and national rates.
- Its current jail and prison rate of incarceration is 279 per 100,000 population—less than half the rate for California and a third the national rate.
- If the rest of the country matched San Francisco’s rates, the number of individuals under correctional supervision would plummet from 7 million to 2 million.

Funds Should be Directed to Boost Mental Health Treatment Services

San Francisco has a mental health treatment problem, not a jail capacity problem. Since 2009, the percentage of inmates requiring psychiatric medication has increased 30 percent, and the number of contacts between inmates and Jail Behavioral Services has increased 24 percent. Moreover, roughly 40 percent of San Francisco’s approximately 1,300 in-custody jail population has some degree of mental illness. Eighty percent of all police calls involve mental-health issues. And yet, we continue to run a 120-day average wait time for mental health beds through our Behavioral Health Court. Simply put, while our needs for community- based mental health treatment continue to soar, our in-custody services are increasingly insufficient.

Letter to Mayor Ed Lee

District Attorney George Gascón’s letter to Mayor Ed Lee made clear that although San Francisco has experienced an excess of jail beds, we have accrued unconscionably long waiting lists for residential mental health treatment beds.

Our office stands by its belief that, rather than warehousing individuals with mental illness in jail, where their needs are unmet and their risk to the community may increase, San Francisco should lead the state and the country in pursuing innovative alternatives to incarceration through improved access to mental health treatment.

Board of Supervisors Rejected Plans for New Jail

In December 2015, the Board of Supervisors rejected plans to spend nearly a quarter of a billion in taxpayer dollars to build a new jail.

Behavioral Health Justice Center (2016)

The Concept Paper

In 2016, District Attorney Gascón and four experts in the field of mental health released a concept paper titled, “Justice That Heals: Promoting Behavioral Health, Safeguarding the Public, and Ending Our Overreliance on Jails,” proposing the development of a new Behavioral Health Justice Center (BHJC). The proposed BHJC is a collaborative, independently administered, interagency center designed to 1) bridge the current divide between the criminal justice system and community-based treatment programs for mentally ill individuals, and 2) ensure diversion at the earliest possible opportunity.

Why BHJC?

Research shows that incarcerating people with mental illness undermines long-term community safety by increasing recidivism. The concept paper for BHJC outlines a series of recommendations to create a continuum of mental health care services in a centralized service center. It would provide, for the first time, a purposeful, coordinated system of care with different levels of service and appropriate treatment options for individuals with mental illness in the justice system.

The co-location of these services will enhance public safety by promoting a seamless system of care for individuals with mental illness to interrupt the cycle of homelessness, addiction, and criminal activity.

60% of jail inmates across the country
have mental health problems.

40% of SF County Jail detainees
receive care from Jail Behavioral
Health Services.

4 Tiers of BHJC

The BHJC would have four tiers of service and treatment to address four distinct levels of need:

Level 1: Emergency Mental Health Reception Center and Respite Beds. A 24-hour venue for police to bring individuals experiencing a mental health episode for an initial mental health assessment.

Level 2: Short-term (2-3 week) Transitional Housing and on-site residential treatment.

Level 3: Long-term Residential Dual Diagnosis Treatment. Longer-term intensive residential psychiatric care and substance abuse treatment in an unlocked setting.

Level 4: Secure Inpatient Transitional Care Unit. Short-term, voluntary inpatient treatment for persons with mental illness transitioning to community-based residential treatment programs.

The Big Idea Challenge: Thinking Beyond Our Daily Work (2017)

In 2017, District Attorney Gascón challenged the members of our office to think beyond their daily duties about strategies that can improve the ways we operate, serve our community and improve public safety. Employees across the office were encouraged to respond to this “Big Ideal Challenge.” Over 150 proposals were submitted, and a randomly-selected review committee from all divisions of the SFDA chose a winning proposal: The Youth Education & Safety (YES) Program.

The YES Program connects prosecutors with SFUSD middle school students to share information relevant to their lives and build positive relationships between law enforcement and young teens. Our office worked with leadership at the school district to select a middle school in need of support, and then partnered with staff at James Lick Middle School to identify issues that have a broad impact on the middle school community: social media, cyberbullying, threats, fights and weapons. ADAs then created interactive presentations on these topics that combined legal information with practical tips on how to stay safe and seek help when needed. Over the 2018-2019 school year, veteran prosecutors met with students in assemblies and classrooms to connect with students, present the information, and work together to build a culture of safety.

Blue Ribbon Panel on Transparency, Accountability and Fairness in Law Enforcement (2016)

Need for Transparency

In March 2015, fourteen SFPD officers were identified as participating in a series of racist text messages that expressed virulent sentiments towards African Americans, women, LGBT and others. The challenge for the SFDA became how to review the police work these officers conducted, determine the existence of racial and other inappropriate biases, and identify how these biases translated into racially driven or motivated police enforcement in approximately 4,000 incidents.

In the post-Ferguson context, it is clear that there is a need for more transparency in law enforcement. While most peace officers carry out their difficult and often dangerous responsibilities with dedication, honor and integrity, with “Textgate,” the deplorable actions of a few SFPD officers overshadowed the good of the whole, and eroded public confidence in law enforcement.

The Blue Ribbon Panel Team

District Attorney Gascón assembled a Blue Ribbon Panel of three retired jurists from other jurisdictions who are regarded for their intelligence, experience and non-partisan interests to conduct a top to bottom analysis of possible racial bias in the department.

Seven law firms provided working groups to assist the panel on specific issues. In addition to reviewing the involved officers and cases, the panel and working groups examined aggregate data and policies of the SFPD, received community input, and, ultimately, issued a comprehensive report.

The Blue Ribbon Panel consisted of the Honorable LaDoris H. Cordell, the Honorable Cruz Reynoso, and the Honorable Dickran M. Tevrizian.

The Panel reviewed over 4,000 incidents associated with the "Textgate" officers and collected over 70 data points for each incident report.

Findings of the Report

In its report, published in 2016, the Blue Ribbon Panel found evidence supporting institutionalized bias within the SFPD. Several key findings revealed that the available statistical data indicated racial disparities in the department’s stops, searches, and arrests. Officer accounts described a systemic and widespread culture of bias, and personnel data revealed a need for greater racial and gender diversity within the department. The Panel also found that the department lacked any meaningful internal disciplinary review process and employed use-of-force policies contrary to best practices.

Campus Sexual Assault Program (2015)

The San Francisco District Attorney's Office launched the Campus Sexual Assault Program in 2015 to address the high rates of sexual assault, general knowledge shown in stats, underreporting of such acts, and the lack of training and established procedures for addressing such crimes on college campuses.

Removes Barriers to Reporting

The Program facilitates cooperation and collaboration between campus administrators, campus law enforcement, SFPD, and the SFDA's Office through memorandums of understandings ("MOUs") intended to improve reporting and investigation of sexual assaults on college campuses.

Now, under the Program, when a victim reports an act of sexual abuse to a party to an MOU (e.g., campus law enforcement), that party should inform the victim of the other participants to the MOU.

7 Schools have Signed the MOU

- University of San Francisco (USF)
- University of California San Francisco (UCSF)
- UC Hastings School of Law
- San Francisco Conservatory of Music
- City College San Francisco
- Academy of Art
- Golden Gate University

Increased Reporting is Essential

From a law enforcement perspective, increased reporting is essential. Data show that campus sexual assaults are underreported to local law enforcement when a victim first reports through an internal, on-campus channel. Because the trauma that victims experience in the aftermath of an attack can be deeply isolating, our office believes that victims should receive comprehensive information about the numerous services and legal options available to them.

More Services are Available

The MOUs instruct all participating schools to provide victims with contact information for our Victim Services Division ("VSD"). Advocates from our VSD will help victims better understand the expanded range of services now available to them under Senate Bill 519, which our office sponsored.

Combatting Cyberbullying (2013)

Every year, about half of American teens receive personal attacks—verbal or visual cyberbullying—on their phones or computers. These messages have profound impacts on the wellbeing of youth, and ripple into their schools and communities.

In 2013, District Attorney Gascón partnered with San Francisco Unified School District and Common Sense Media to address this critical issue. SFDA and Common Sense co-hosted a presentation and conversation with parents and students at James Lick Middle School educate parents about the risks and realities of online communication, and to provide them with strategies for helping their children to positively—and safely—navigate the digital world. This event complemented SFUSD efforts that were directed at students, including monthly sessions on digital citizenship and an annual Digital Media Safety Instruction Day for students of all ages.

Consumer Arrest Record Equity Act - C.A.R.E (2017)

Sponsored by District Attorney Gascón, the Consumer Arrest Record Equity (C.A.R.E.) Act helps people who have been arrested, but not convicted of a crime by creating procedures to ensure sealed arrest records are actually sealed, so they do not appear when an employer, landlord, or other third-party member conducts a background check.

Protecting Sealed Arrest Information in an Equitable Way

The C.A.R.E. Act (SB 393) establishes a uniform process for individuals to petition the court to seal their arrest records. The act also updates criminal records at both the local and state level to ensure that credit reporting agencies and the California Department of Justice do not inadvertently disseminate sealed arrest information.

Prevalent and Problematic

Many prospective employees and housing applicants are rejected solely based on having an arrest record on file. A 2012 study by the Society for Human Resource Management shows that 69% of reported organizations used criminal background checks on all job candidates, but only 58% allowed candidates to explain their criminal history. The impact of unsealed arrest records is especially magnified for communities of color, who are arrested at higher rates compared to their size within the overall population.

By removing arrest records for individuals not convicted of a crime, the C.A.R.E Act removes barriers that are holding back Californians from employment and housing opportunities.

Court Escort Policy (2017)

In 2017, individuals were being publicly identified as undocumented immigrants in open court and Immigration and Customs Enforcement (ICE) agents actively apprehended undocumented immigrants at courthouses. In response, on March 17, 2017, California Chief Justice Cantil-Sakauye sent a letter to Attorney General Jeff Sessions and Department of Homeland Security Secretary John F. Kelly about these reprehensible tactics. According to Chief Justice Cantil-Sakauye, the practice “undermine[s] the judiciary’s ability to provide equal access to justice.”

If an undocumented victim or witness fears that their immigration status is going to be aired in public, they are far less likely to come forward, and the chilling effect this has on participation undermines the fair administration of justice. Individuals with non-documented status are increasingly less likely to report crimes or testify in court, especially amid a current climate where anti-immigrant rhetoric is increasingly common. Forty-four percent of Latino crime victims (not just undocumented immigrants) are already less likely to contact police fearing the interaction may result in inquiries into their status or that of people they know. An astounding seventy percent of undocumented immigrants are less likely to contact law enforcement authorities if they were victims of a crime. Common sense dictates that far fewer are willing to take the next step and take the stand to testify, especially if their immigration status is going to be broadcasted publicly in a public courtroom.

An individual’s country of origin has no bearing on whether they are suitable to take the stand. In order to ensure equal access and the fair administration of justice individuals from all backgrounds in our community must be able to come forward and play an integral role our in the justice system. In order to promote equal access and participation, and the fair administration of justice, District Attorney Gascón implemented a court escort policy. The policy assigns victims’ advocates and district attorney investigators to escort any fearful undocumented witnesses or victims to the superior court house and the courtroom. In addition, the policy requires that staff notify a supervisor, and call the San Francisco Rapid Response Network if federal immigration agents are in the courthouse. Recognizing that local policy emphasizes courthouses as safe spaces was not enough, DISTRICT ATTORNEY Gascón simultaneously lead an effort to change the penal code SB 785, chaptered into law in 2018 now prohibits the disclosure of a person’s immigration status in open court.

Crime Strategies Unit (2014)

Efficient and Innovative Strategies

In 2014, District Attorney George Gascón established the Crime Strategies Unit (CSU) to incorporate the use of data and predictive analytics for strategic prosecution and crime prevention. CSU is a multi-disciplinary team of Neighborhood Prosecutors, analysts and investigators that uses a data-driven approach to resourcefully address the City's most pressing crime problems.

CSU's role is to make effective use of the vast amounts of information available from the thousands of cases prosecuted and investigated each year and to find innovative ways to make this information available throughout the Office, when and where it is needed the most.

Community Impact

Neighborhood Prosecutors work shoulder to shoulder with our law enforcement partners, neighborhood stakeholders, and the community to develop long lasting solutions to the City's major crime issues. They also work to build connections between the SFDA and community stakeholders, enhancing the accessibility of the criminal justice system, and strengthening the community's trust. Neighborhood Prosecutors spend the majority of their time out in the field looking for ways to promote public safety through meaningful community engagement and enforcement. Neighborhood Prosecutors also prosecute appropriate cases through the traditional court process and personally handle those cases that are of particular importance to the neighborhood they serve.

Crime Strategies Unit Mission:

To conceive, develop, and implement innovative strategies and programs that improve public safety through the efficient prevention, investigation, and prosecution of crime.

CSU successes include:

- Grand Jury indictment & prosecution Rainbow Crew, organized retail theft ring that stole tens of thousands of dollars' worth of merchandise across the Western U.S. (2016)
- Grand Jury indictment & prosecution of permanent vandalism of historic landmark Hibernia Bank (2016)
- Analytical support on San Francisco's first conviction of human trafficking of underage girls under Proposition 35, which created stricter human trafficking sentencing guidelines (2016)
- Operation Cold Day, largest take-down in ATF history, targeting organized illegal gun trafficking, drug trafficking, and serial auto thefts (2017)
- Addressed auto burglary hot spots in MTA parking lots using crime prevention through environmental design strategies (2018)
- Establishment of Gun Enforcement Unit, and successful federal application to enhance SFPD's Crime Gun Intelligence Center (CGIC) (2018)
- Launch of Regional Organized Retail Theft Task Force (ROC), with California Highway Patrol (2019)

Criminal Justice Data Improvement (2019)

California has long been a leader in criminal justice data collection, reporting, and transparency. For more than 60 years, the state has promoted the collection and dissemination of criminal justice data through a series of laws and regulations that have mandated detailed data collection for operational purposes, as well as broad access to policy makers and bona fide research organizations.

However, despite this long history of policymaking and investment in criminal justice data infrastructure, significant gaps still exist in the data that is collected both on persons involved in the criminal justice system and criminal processes, as well as in the accessibility of this data to policymakers and researchers. Accurate criminal records (or RAP sheets) are essential tools, used every day by all law enforcement agencies to advance public safety. They are also necessary to advance effective reforms like pretrial risk assessment, record clearance, and gun control. Accurate criminal justice records also support independent research and criminal justice policy development.

Recognizing that pervasive data gaps were undermining both the development and maintenance of California criminal justice reforms, as well as government accountability, transparency, and effectiveness, District Attorney Gascón co-sponsored Assembly Bill 1331 with Assembly member Rob Bonta in 2019.

AB 1331 improves the quality and accuracy of criminal records by mandating reporting of person- and case-level identifiers. Existing law requires criminal justice agencies and courts to compile records and data about criminal offenders and report this information to the Department of Justice for each arrest and case disposition. However, existing law does not require that these data points be transmitted with case- and person-level identifiers, creating challenges in compiling accurate criminal history records. Furthermore, AB 1331 ensures that researchers have access to more and better data, including criminal court records. AB 1331 prohibits researchers from being denied access to that information solely on the basis of a criminal record, except in specified circumstances, thereby ensuring that those directly impacted by the system can participate in its evaluation.

AB 1331 represents a long overdue and critical first step towards modernizing California's criminal justice data systems.

DA Stat: Data Driven Decision-Making (2013)

"We are committed to creating a modern system of justice that leans heavily on science and data, and that balances public safety with the best possible outcomes for victims, offenders, and our communities."

-District Attorney George Gascón

In May 2019, SFDA became the first District Attorney's Office in the state of California to share prosecutorial data and metrics with the public via the DA Stat Dashboards. In the digital age, the collection, reporting, analysis and transparency of data are central to good governance, and DA Stat reflects SFDA's commitment to public accountability and transparency.

District Attorney Gascón originally launched DA Stat as an internal performance measurement program in 2013, to measure success in achieving SFDA's goals, and to demonstrate the value of using data to ensure the fair and effective administration of justice. Since then, SFDA has become one of the most renowned data-driven prosecutors' offices in the United States.^{xiv} DA Stat is built on a commitment to data collection within the San Francisco District Attorney's Office, collaboration across local criminal justice agencies, and statistical analysis that generates meaningful operational metrics that inform internal policy development and resource allocation. The public version of the [tool](#), available on the SFDA web site, allows the public to explore metrics across the criminal process dating back to 2011.

Diversity Symposium (2012)

First launched in 2012, the Law Student Diversity Symposium is an annual event hosted by District Attorney Gascón. Students from local law schools and different backgrounds are invited to a panel presentation and networking reception empathizing the value and presence of diversity in the San Francisco District Attorney's Office.

Our pursuit for the fair and equal administration of justice is enhanced by the many staff and attorneys in our office who bring a wealth of perspectives, based on their collective, diverse backgrounds and interests, to their work. The SFDA emphasizes diversity in recruiting, promoting, retaining, and training.

In 2016 Stanford conducted a diversity study of all 58 District Attorneys' offices in the state. Stanford found that the San Francisco District Attorney's Office is the most diverse large county prosecutor's office in California. When including support staff, victim advocates and investigators, these figures would be even higher.

- 46.5% of our prosecutors are Black, Latino, Asian, and other non-white demographics.
 - Of the large counties, we have the largest proportion of Asians and Pacific Islanders at 18.6% of our prosecution staff.
 - We have the second largest proportion of black prosecutors at 12.4%, and the third largest proportion of Latino prosecutors making up 10.1% of the office's attorneys.
- Additionally, the SFDA office has the largest population of female prosecutors among large counties at 53.5%.
- Our management team is among the most diverse in the state.

The Law Student Diversity Symposiums have proven to be an amazing opportunity to meet law students interested in becoming prosecutors. It is also a unique opportunity to profile the experience and work of prosecutors currently working in the office. Each from diverse backgrounds, as they share their inspiring personal journeys with the San Francisco District Attorney's Office and the future lawyers in our community. Events like this help reinforce that diversity in our office is not only celebrated, but essential.

Eliminating Mass Incarceration: How San Francisco Did It (2016)

In 2016, James Austin, nationally renowned criminologist released a [report](#), detailing how San Francisco ended mass incarceration. Since 2009, California has reduced the size of number of people in prison, jail, felony probation and parole by nearly 150,000. At the same time, the state's crime rate has dramatically declined and is now lower than what was in 1960.

San Francisco City and County has been reducing its jail and prison populations at a pace that far exceeds the state and national rates. Its current jail and prison rate of incarceration is 279 per 100,000 population – less than 1/2th the rate for California and less than 1/3rd the national rate.

If the rest of the country could match San Francisco's rates, the number of individuals under correctional supervision would plummet from 7 million to 2 million. The nation's 2.3 million prison and jail populations would decline to below 700,000 and “mass incarceration” would be eliminated.

There are a number of recent reforms that have been implemented since 2009 that have allowed these reductions in San Francisco's correctional populations. The County took full advantage of two key legislative reforms (SB 678 and Realignment) and more recently Prop 47 to launch the following initiatives:

- San Francisco Reentry Council;
- California Risk Assessment Project;
- Community Corrections Partnership (CCP) and Community Corrections Partnership Executive Committee (CCPEC);
- San Francisco Sentencing Commission;
- Justice Re-investment Initiative;
- Probation Standardized Risk and Needs Assessment;
- Enhanced Services;
- Jail Re-entry Pod;
- Community Assessment and Services Center (CASC); and,
- A New Approach to Drug Offenses.

As declines in the correctional populations have been occurring in San Francisco, its crime rate has also been declining to historic low levels. Juvenile arrests have dropped by over 60%.

The Facility Dog Program (2016)

To Help Victims Mitigate Trauma

The Facility Dog Program promotes the goal of the Victim Services Division: “To help victims of crime mitigate the trauma, navigate the criminal justice system and rebuild their lives.” The program supports the work of the Victim Services Division by providing comfort and support to children and vulnerable adult victims during forensic interviews, exams, court and other legal proceedings.

Providing Calm in a Chaotic Legal System

Facility Dogs work in the legal system to provide victims a sense of calm, security and non-judgmental support during investigative and legal proceedings. When a traumatized person is stressed or re-traumatized, they can experience physiological responses out of their control. The brain’s own stress response system releases numerous transmitters, hormones such as cortisol and adrenaline, and other peptides that flood the body in stressful situations. This reaction can impair the body’s normal coping and functioning mechanisms, include the ability to recall, recount or relay information.

Proven Positive Impact

Numerous studies have documented the positive impact of victims’ interaction with Facility Dogs to their physical and emotional health, including short term decreases in blood pressure and heart rate, positive effects on social communication, reductions of feelings of loneliness and isolation, and improvements in depression and self-esteem. Facility dogs can also assist in decreasing anxiety and fear for victims engaged in interview, exam and legal proceedings.

Pink and Red will be partnered with Handlers

Pink and Red must be partnered with working professionals in the legal field with adequate training in behavior, canine care and health, local access and public access laws. The Chief and Deputy Chief of Victim Services, Advocates from Child Abuse and Sexual Assault, Forensic Interviewers from the Child Advocacy Center, and a team of SFDA Advocates are trained to handle Pink and Red.

Fines and Fees Taskforce (2016)

District Attorney Gascón has long held the view that there are times when the best move government can make is stopping a harmful action or not being a barrier to a good policy. Reducing and eliminating fees does not reduce consequences, it reduces barriers to reentry. When we reduce financial barriers, we increase a person's ability to secure employment, a job, healthcare and a place to live, facilitating successful reentry as well as victim restitution payments.

Convened in October 2016, the San Francisco Fines and Fees Task Force, of which SFDA was an active participant, chose to focus on the elimination of criminal justice fines and fees charged to people exiting the system. The initial focus on "ability to pay" later shifted to address the question, "What are they paying for?" and "Are there instances where we (the system) can stop assessing fines and fees?"

In collaboration with the Financial Justice Project, Public Defender, Sheriff, Adult Probation, Juvenile Probation and Superior Court, the Task Force eliminated 10 county-controlled fees assessed by the Superior Court. SFDA drafted and signed the petition to the Superior Court which lifted more than \$32.7 million in debt from unpaid criminal justice administrative fees for 21,000 people.

Health and Recovery of California Victims (2015)

Endorsed by District Attorney Gascón and authored by Senator Loni Hancock, the Health and Recovery of California Victims Act (SB 519) makes treatment and services more accessible to traumatized victims of crime.

Cycle of Victimization

Research supports the idea that today's victims can become tomorrow's offenders. Studies have found victimization and delinquency largely overlap, with most victims engaging in delinquency and most delinquents being victimized at some point in their lives (Lauritsen, Laub, and Sampson, 1992; Lauritsen, Sampson, and Laub, 1991; Singer, 1986). It is imperative victims have the resources to heal in a timely manner after they experience trauma.

Removing Barriers to Recovery

For victims of crime, SB 519 streamlines counseling and financial support from the Victims Compensation and Government Claims Board (VCGCB):

- Victims of crime now have access to mental health counseling regardless of their probation status
- Witnesses, who are minors and victims of crime, can receive compensation whether they assist law enforcement or not
- A victim no longer has to submit documents from the Internal Revenue Service (IRS), Franchise Tax Board (FTB), Board of Equalization (BOE), Social Security Administration (SSA), or Employment Development Department (EDD) in order to be eligible for compensation
- Adult witnesses to a crime now have access to Victim of Crime counseling
- Elderly victims of financial crimes are now entitled to Victim of Crime counseling
- Victims can receive more money for funeral expenses and relocation
- Any appeals concerning reimbursement applications must now be processed within 90 days
- Letters from the VCGCB to victims who apply for compensation must be translated into English, Spanish, and Chinese (if requested/necessary)

Human Trafficking Unit—Victim Services (2014)

Comprehensive Trauma-Informed Services

The SFDA’s Victim Services Division provides comprehensive trauma-informed services to victim and survivors of human trafficking, including sex and labor trafficking and commercially sexually exploited children (CSEC).

As part of the prosecution team, advocates collaborate with local law enforcement agencies and city task force members to deliver effective victim-centered services.

Victim Advocacy

- Provide emotional support to victims, survivors, witnesses, and family members
- Disseminate information about services and resources for victims, including health, mental health, dental, and relocation services at the time of crisis or after the event
- Provide “Go Bags” with essential items, including a cell phone, journal, clothing, toiletries, blanket, and reading material
- Support law enforcement operations, and provide assistance during hospital visits and in conducting multi-disciplinary interviews
- Emergency assistance with resources for shelter, food, clothing, and medication

Orientation to the criminal justice system:

- Information on victims’ rights under Marsy’s Law
- Support during, and accompaniment to, court hearings
- Assistance with victim impact statements
- Guidance on completing restitution requests

Red and Pink: Members of the Human Trafficking Team

Pink and Red, the Victim Service’s dogs, are also members of the Human Trafficking Unit. They accompany victims as they navigate the criminal justice system.



California Victims Crime Compensation (CalVCB)

- Assist victims complete and submit the California Crime Compensation Application

Our goal is to help survivors of human trafficking feel safe, supported, and heard. We provide emergency and long-term support resources.

Immigration Relief (2017)

Relief from Deportation for Justice Involved Non-Citizens

Following a new legal process beginning in 2017, the San Francisco District Attorney's Office has been working diligently to keep hard-working and contributing non-citizen members of our community, and their families, from sudden deportation. Starting in 2017, the California Legislature incorporated a new legal process for criminal defendants to legally change their pleas to other related charges to avoid the collateral federal immigration consequences associated with their original pleas. A defendant who can establish that some error occurred during their earlier plea, which interfered with their ability to meaningfully understand the actual or potential immigration consequences of their guilty plea, may be entitled to relief within a single court appearance. Prior to this new enactment, the same result could take weeks to decide.

Special Prosecutor to Oversee "Immigration Relief Calendar"

The SFDA's Office appointed a 40-year veteran prosecutor to proactively manage the office's new "immigration relief calendar." This Special Assistant District Attorney, returning to the office from retirement, applies concepts of both law and equity to his work. He considers a variety of factors to determine which motions for relief should and should not be opposed under the new statutory framework (Penal Code section 1473.7):

- The period of time the individual has been free of crime since their original plea
- The nature of the original charges
- Family status of the individual
- Work and community ties of the individual
- Imminence of the individual's federal immigration deportation/removal threat
- Simplified (but still legally acceptable) proof of prejudicial error in the original plea

Proactively Facilitating Immigration Relief

Additionally, the SFDA's Office has developed templates to assist defense counsel file successful motions for relief and to help accommodate defendants in federal immigration custody who are unable to personally appear for their new "immigration safe" pleas. The office has also worked to streamline administrative procedures for court personnel. As a result of SFDA's frequent collaboration with the San Francisco Public Defender's Office, other Bay Area Public Defender's Offices, and private immigration specialist counsel from all over California, many more suitable individuals under the streamlined framework have avoided sudden or random deportation. Their U.S. citizen family members (spouses, children, parents) no longer have to fear separation or the loss of financial support from their breadwinner, and the greater community can continue to receive the contributions these long-crime-free community members offer (such as taxes paid, jobs created for those they employ, and civic or religious volunteer efforts).

Implicit Bias Training and Workgroup (2016)

Implicit Bias Training

Beginning in August 2016, District Attorney Gascón arranged the first of two opportunities for all office staff and employees to attend a mandatory training on implicit bias led by an expert in the field, Kimberly Papillon. Ms. Papillon presented on emerging neuroscience and academic studies showing that bias can, and does, operate within each of us at an unconscious level. Members of the office were led through interactive exercises to show that visual markers—race, age, class, perceived sexual orientation, and gender, among others—can trigger internal processes in our brains to create positive emotions for some groups, and negative or no emotions at all for others.

The training was widely attended, with numerous members of the office attending multiple times, and prompted further discussion and efforts within our office.

Implicit Bias Workgroup

Following the office-wide training, a collection of attorneys and staff from across the office formed an Implicit Bias Workgroup. The workgroup discussed methods for advancing the dialogue around the impact of implicit bias on the work of the office.

Important areas of discussion included ways to continue educating the office about implicit bias, strategies for identifying our own biases, and Effective to tools at our disposal to combat implicit biases. Following the discussion, the workgroup disseminated office-wide emails with information about trainings held by other offices. It also raised awareness about opportunities to attend conferences on the issue. The workgroup and District Attorney Gascón also created a department-wide competition, the Implicit Bias Challenge, to encourage members within the office to think critically about the role of implicit bias in their work.

Implicit Bias Challenge (2017)

What is Implicit Bias?

According to the Stanford Encyclopedia of Philosophy, “implicit bias” is “a term of art referring to relatively unconscious and automatic features of prejudiced judgment and social behavior.” Psychologists in the field identify the most striking and well-known research has focused on implicit attitudes toward members of socially stigmatized groups, such as African-Americans and the LGBTQ community.

What is the Implicit Bias Challenge?

In 2017, the San Francisco District Attorney’s Office initiated the office’s first Implicit Bias Challenge. The challenge instructed teams within the office to think critically about implicit bias in the work of a prosecutor's office and use art to deconstruct negative cultural and social stereotypes. Entries included a sensory display about physically peeling away biases, photos of inmates showcasing their humanity, and a stunning display of community members collectively creating art.

Why the Implicit Bias Challenge?

During an office-wide training initiated by District Attorney George Gascón, an expert presented neuroscience research on how visual markers—for example, race, age, class, perceived sexual orientation, and/or gender—may automatically trigger your brain’s internal processes to assume certain emotions or beliefs. These emotions or beliefs could affect whether we exhibit care or cruelty, or show empathy or apathy towards specific people.

District Attorney Gascón recognized the potential impact of implicit bias in the work carried out by the San Francisco District Attorney’s Office and on the communities we serve. Subsequently, Gascón arranged for a second training to ensure everyone in the office had the opportunity to attend. He then formed an office-wide implicit bias workgroup to discuss the next steps in addressing implicit bias within the office. As a result, the workgroup created the idea for the challenge: to use art in order to identify unconscious biases and thoughtfully reframe them.

The Implicit Bias Challenge Art Showcase

In celebration of the exceptional work by office employees, artists, and community members, the San Francisco District Attorney’s Office held its first Implicit Bias Challenge Art Showcase at the beautiful 111 Minna Gallery. The event provided a space for community members and office employees to engage in the important dialogue around implicit bias. [Click here for gallery photos.](#)

Independent Investigations Bureau (2016)

The San Francisco District Attorney's Office officially established its Independent Investigations Bureau (IIB) on December 19, 2016, with the mission of promoting "Equal Justice Under Law."

IIB is committed to ensuring law enforcement accountability by conducting independent investigations, and where warranted, criminally prosecuting officers who violate the law. Historically, the San Francisco Police Department (SFPD) has been the lead investigator of officer misconduct, including officer-involved shootings. The office is currently in discussions with SFPD on a new memorandum of understanding (MOU) to ensure the fair and independent review of these critical cases.

3 Main Responsibilities:

1. Review all unlawful use of force allegations, including officer-involved shootings.
2. Review all in-custody deaths.
3. Safeguard the integrity of the criminal justice system via a conviction review process focused on assessing and remedying colorable claims of innocence.

The IIB Team

IIB conducts its investigations independent of the rest of the San Francisco District Attorney's Office. Accordingly, IIB is housed separately from all law enforcement, has dedicated funding to protect it from being subsumed by other work of the office, does not handle criminal prosecutions apart from its designated duties, and provides a copy of its complete investigative file to both the US Department of Justice's Civil Rights Division and the California Attorney General's Office for their review and consideration.

In 2015, San Francisco ranked 8th in fatal officer-involved shootings of the 60 largest cities in the United States.

As of October 2019, there hasn't been a single fatal OIS in over 570 days.

Justice Dashboard (2019)

The [Justice Dashboard](#) is a tool for assessing the City & County of San Francisco's progress toward reducing racial disparities in the criminal justice system. It provides information regarding criminal justice outcomes to improve San Francisco's ability to make data-driven sentencing and supervision policies.

The **Justice Dashboard** measures subsequent contact rates at the point of **arrest, arraignment,** and **conviction** (three years post-conviction) for all adults convicted of a felony or misdemeanor and sentenced to county jail or local supervision in San Francisco. This data sharing and visualization project was developed by San Francisco District Attorney George Gascón through the [San Francisco Sentencing Commission](#) in collaboration with the [Sheriff's Department](#) and the [California Policy Lab](#). The Justice Dashboard was created in part with support from the **John D. and Catherine T. MacArthur Foundation** as a part of the [Safety and Justice Challenge](#), which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

Throughout his tenure as District Attorney of San Francisco, George Gascón has embraced data, technology, and research with the belief that these tools can reduce both incarceration and racial disparities, as well as identify effective interventions for individuals involved in the system and for public safety more broadly. Tools like [DA Stat](#) and the Justice Dashboard enhance our ability to ensure safer communities and advance the national dialogue on best practices for local justice systems. For the first time in San Francisco, the Justice Dashboard provides decisionmakers with accurate recidivism statistics that can drive policies that meaningfully reduce reliance on jail, and reduce crime and victimization.

Measuring for Success

The Justice Dashboard reviews subsequent criminal justice contact at three distinct decision-making points for three years post-conviction: arrest, arraignment, and conviction. By measuring subsequent criminal justice contacts in this way, the Dashboard provides an expansive view of how the local criminal justice system interacts with individuals in San Francisco that goes beyond more limited definitions of recidivism. Subsequent contact rates are measured for anyone over the age of 18 convicted of a felony or misdemeanor and sentenced locally in calendar years 2013, 2014, and 2015 in San Francisco. Additional cohorts will be added each year. Due to data unavailability, only contacts within San Francisco are included, and the Dashboard excludes individuals sentenced to state prison.

Recidivism is a familiar measure of a correctional system's performance, but it is not the only metric worth evaluating. Using recidivism as the sole measure focuses the conversation on negative outcomes instead of positive ones. In its next phase, the Justice Dashboard will incorporate a desistance framework, which views reduction in criminal activity as a complex process that often requires significant time for individuals, and systems, to change. Unlike recidivism, which is a binary measure of success or failure, desistance allows for degrees of success. To foster the shift to a desistance framework, the Sentencing Commission will also explore the extent to which positive outcomes external to the justice system can be measured (for example, social integration, economic security, secure housing, and improved health).

Law Enforcement Assisted Diversion—LEAD SF (2017)

Law Enforcement Assisted Diversion (LEAD)

LEAD SF is an innovative pre-booking diversion program that refers repeat, low-level drug offenders, at the earliest contact with law enforcement, to community-based health and social services as an alternative to jail and prosecution. San Francisco's LEAD program focuses on the Tenderloin and Mission districts where a significant percentage of the City's drug incidents occur.

In August 2017, the City received a 26-month grant award from the Board of State and Community Corrections to implement LEAD SF as a multi-agency collaborative project. It is overseen by a Policy Committee composed of partner agency representatives and co-chaired by District Attorney George Gascón, Chief of Police William Scott, and Director of the Department of Public Health, Barbara Garcia.

Mission of LEAD SF

The goal of LEAD SF is to better meet the needs of individuals with a history of substance abuse and low level drug offenses by:

- Improving health and housing status of participants
- Reducing the recidivism rate for low-level drug and alcohol offenders
- Strengthening collaboration with city and community-based partners

How does LEAD SF Work?

Rather than being arrested, LEAD SF diverts eligible participants at the point of contact with law enforcement into the City's expansive network of harm reduction-based rehabilitation services, including behavioral health services (substance use disorder and mental health treatment), physical health services, transitional housing, employment, and other relevant services.

Years in the Making: The SFDA's Office, the Sentencing Commission, and LEAD SF

In 2011, the Sentencing Commission of the City and County of San Francisco (SFSC), an initiative of the San Francisco District Attorney's Office, began a four-year process to study the design and implementation of a formalized, non-punitive law enforcement-assisted pre-booking diversion program for low-level drug offenders.

During the same time, the SFSC also assessed the feasibility of replicating the LEAD program (based on a model implemented in Seattle) in San Francisco.

An analysis completed for the SFSC explored the feasibility, benefits, and cost of implementing LEAD and found that, "San Francisco has the necessary tools and systems to meet the challenge of successfully implementing such a program." The SFSC concluded its study in July 2015, echoing the researchers' recommendation that San Francisco implement LEAD as "an evidence-based and fiscally prudent approach to lowering recidivism and increasing public safety."

Later, the Workgroup to Re-envision the Jail Replacement Project also recommended implementing LEAD on a pilot basis in the Tenderloin and Mission neighborhoods.

Marijuana Conviction Relief (2018)

“We want to address the wrongs that were caused by the failures of the war on drugs for many years in this country, and begin to fix the harm that was done not only to the entire nation, but specifically to communities of color.”

- District Attorney George Gascón

On January 31, 2018, District Attorney George Gascón declared that he would proactively provide conviction relief to thousands of individuals with San Francisco marijuana convictions, dating as far back as 1975. He took this step to level the playing field for those convicted before marijuana legalization, by reducing barriers to housing and employment. District Attorney Gascón contemplated this relief would be completed with existing resources.

This proactive marijuana conviction relief policy, the first in the nation, negates the need for those eligible to be made aware of the opportunity and retain a lawyer to file the necessary paperwork. Many of those affected lack the resources required to change their criminal record on their own. Researchers estimate that only 3% of eligible individuals in California have applied for relief under Proposition 64, which legalized the possession and recreational use of marijuana for adults.

Leveling the Playing Field with Technology

Through a pilot program with the San Francisco District Attorney’s Office, Code for America created technology that automatically clears eligible Prop 64 convictions, providing people with a real second chance. SFDA is the first jurisdiction to partner with Code for America on this new approach to criminal record expungement.

Traditionally, determining eligibility for conviction relief and filing motions to expunge, dismiss, or reclassify convictions has been a manual, paper-based, and resource intensive process that requires significant time for Prosecutors’ Offices to complete. For example, we estimate that just the first step of the Prop 64 felony conviction review process – pulling the RAP sheets – will take up to 400 hours, or 10 weeks of full-time effort. That does not include the subsequent time required for attorneys to review the RAP sheets for eligibility and complete, approve, and file the motions with the Superior Court.

Through this partnership with Code for America, we are developing a cost-effective tool that expedites, streamlines, and automates the process in order to:

- Automatically and securely determine eligibility for record clearance under state law
- Automatically generate a completed and signed motion that may be electronically filed

What is Code for America?

Code for America is using principles and practices of the digital age to transform the way government delivers services to those most impacted by the criminal justice system. The benefits of an automated criminal record clearance process include increased access to employment, housing, and student loans and a significant decrease in recidivism for those impacted by prior marijuana convictions. A 2017 study of East Bay Community Law Center’s clients showed that record clearance increased an individual’s average earnings by 33%.

Make It Right (2014)

Make it Right: A New Approach to Juvenile Delinquency in San Francisco

In San Francisco, by many measures, data points to a juvenile justice system that is heading in the right direction. From 1999 to 2016, we experienced a 76% decline in referrals of youths to the juvenile justice system, with 50% of that decline occurring in the last seven years. This includes an 85% decline in detentions, leading to a reduction in the juvenile hall average daily population from 119 to 45 young people. It also includes an 83% decline in kids on probation, and a 100% decline in kids sent to California Youth Authority/Department of Juvenile Justice. But these reductions, while significant, leave us with hard challenges. As we have turned to community-based solutions for lower level offenses, the cases that have remained in our courtrooms are more serious. And as the overall numbers have declined, racial and ethnic disparities in our juvenile justice system have become even more extreme. In 1999, African American young people comprised 49% of referrals and 52% of detentions – already a grossly disproportionate amount in a time when they comprised 13% of the city’s population. In 2016, they comprised an even more alarming 59% of referrals and 67% of detentions when only making up 6% of our population.

In this context, District Attorney Gascón has partnered with juvenile justice system stakeholders to launch Make it Right, a restorative justice approach for youths ages 13-17 facing prosecution for an array of felony charges in San Francisco.

Restorative Community Conferencing

Through Make it Right, eligible young people are given the option, before their cases are charged, to participate in “restorative community conferencing”. In this process, the youth comes together with their victim, each with their supporters (including family/caregivers, youth services, schools, coaches, and others) in a community-based facilitated dialogue to develop a plan for the young person to repair harm, address root causes, and make amends. This “agreement”, developed collectively, identifies concrete actions that the youth will take to address harm caused to the victim, the community, the youth’s family, and him/herself. The young person has a six-month period in which to follow through on their agreement with support from a community-based case manager. If successful, the case is not prosecuted.

Public Private Partnership

Make it Right is operated as a collaboration between the SFDA and two organizations which bring unique expertise to the program: Community Works West, which facilitates the conferences, and Huckleberry Youth Programs, which leverages its extensive knowledge of community-based resources to support the youths as they fulfill their agreements. The Restorative Justice Project at Impact Justice, a national innovation and research center, partnered with the SFDA to launch Make it Right, and provides ongoing technical assistance to the team. Make it Right's operation is made possible through funding from the San Francisco Department of Children, Youth and Their Families and the Zellerbach Family Foundation.

Effectiveness

In order for Make it Right to be a model that provides a meaningful alternative to the traditional juvenile justice system, restorative practices must be evaluated in a deliberate, statistically sound way. Preliminary results indicate that Make it Right significantly reduces recidivism; formal evaluation currently is being conducted by California Policy Lab.

Mass Casualty Critical Response Team (2015)

Background

In 2015, the SFDA Victim Services Division set out to create a plan for deploying and utilizing the resources of our division in the event of a mass casualty, active shooter or terrorist event. In our role, we bring resources to victims, their loved ones, and witnesses of violent events.

The Victim Services Mass Casualty Critical Response Team, comprised of trained and multilingual advocates are deployed by request from the Department of Emergency Management, Department of Public Health, San Francisco International Airport, Department of Human Services, or Law Enforcement. The Unit works with other San Francisco Departments and Agencies to fill gaps in victim support following mass casualty incidents. The goal is to provide a unified response for victims of mass violence for both the immediate, short-term and long-term trauma they will face.

Our unit provides the following services in response to mass crime:

- Assists with tracking of loved ones/missing persons
- Assists with staffing Family Assistance Center
- Provides immediate and short-term emotional support to victims, survivors, witnesses, and loved ones
- Provides information about services and resources for victims
- Connects those affected by the event to resources for immediate, short-term, and long-term recovery.
- Provides criminal justice system support by assisting victims during trials, helping organize memorial events, providing updates on court proceedings, etc.
- Assists with completing crime victim compensation applications

Victim Service Dogs

Pink and Red, the Victim Service's court dogs, are also members of the Critical Response Team. They will accompany victims as they navigate the criminal justice system.

Bay Area Mass Casualty Planning Committee

The Victim Services' Directors/Coordinators from the nine Bay Area Counties -San Mateo, Santa Clara, Marin, Sonoma, Contra Costa, Alameda, San Francisco and Napa - have been convening to share information about planning, preparing for and responding to mass casualty crime events. The goals of the Bay Area Mass Crime Victim Casualty Planning Committee include:

- Each county develops a department and county deployment plan
- Develop a Bay Area response and mutual aid plan
- Develop a memorandum of understanding between counties
- Share trainings

Misdemeanor Behavioral Health Court (2015)

For over fifteen years, San Francisco's Behavioral Health Court (BHC) has served as a model for working with individuals with serious mental illness who are charged with serious, often violent felony offenses. However, the intense and lengthy BHC model is not well-suited to limited legal exposure of individuals facing prosecution for less serious offenses—but who also may need treatment for serious mental illness.

In 2015, San Francisco's justice partner agencies – including the District Attorney, Sheriff, Public Defender, and Court joined forces with UCSF Citywide Forensic Case Management, Westside Community Services and SF Pretrial Diversion to create Misdemeanor Behavioral Health Court—a new program calibrated to the exposure individuals face in misdemeanor cases. Through MBHC, participants receive services from clinicians and case managers with expertise in engaging and serving justice-involved clients. The model is augmented by specialized supportive housing for MBHC clients—which provides participants with both an incentive to participate and the stabilization needed to succeed.

While the individuals participating in MBHC are charged with misdemeanor offenses, they often have lengthy histories of both justice system involvement and psychiatric hospitalization. In the first two years of operation, almost half of the MBHC participants had a history of frequent law enforcement contact, and 78% of MBHC participants had a history of psychiatric hospitalization, with an average of 3.8 hospitalizations in the 12 months prior to program enrollment.

Early results of MCHB have demonstrated the importance and value of this program. In the first two years of operation, the program produced 17 program graduates. 100% left the program engaged in ongoing treatment, stably housed, and linked to disability benefits, and none returned to SF County Jail.

Mitigating Bias in Charging Policy & Platform (2019)

The San Francisco District Attorney's Office (SFDA) recognizes that the fair and equal administration of justice requires identifying and tackling racial disparities of all kinds within the criminal justice system, from policing to pre-trial detention to prosecution to probation or parole. Race, whether conscious or unconscious, affects every discretionary point in the criminal justice system. Any policy can result in racially disparate and disproportionate outcomes. In order to mitigate and eliminate the impact of bias on prosecutor charging decisions, District Attorney Gascón implemented a bias mitigation charging policy and platform in 2019.

The policy requires that prosecutors engaged in charging cases commence their work by reviewing the Prosecutor Implicit Bias Card, adapted from a tool developed by the Minnesota Judicial Branch:

Act Consciously and Deliberately

- Allow more time for cases in which implicit bias may be a concern.
- Avoid decisions under rushed, stressed, distracted or pressured circumstances.
- Engage in thoughtful information processing - objectively and deliberately consider the facts at hand. Avoid low-effort decisions or decision made on auto-pilot.
- Take special care in situations when you must respond quickly to avoid making snap decisions.
- Articulate the reasoning behind your decision before committing to a decision to allow yourself to critically review your decision-making process.

Be Self-Aware

- Analyze your emotional state. Do the negative or positive emotions you are feeling pertain to the case?
- Consider whether you are requiring more or less from a person than you would from others.
- Be mindful of your decision-making process, not just the resulting decision.

Create Processes to Serve as a Check on Unintended Bias

- Take notes and rely on those notes over memory.
- Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.
- Seek feedback from others. Would others perceive or handle the situation differently?
- Track your decisions and periodically examine them for any pattern of bias.

The policy is supported by a new open-source program developed in collaboration with the Stanford Computation Policy Lab, that uses artificial intelligence to diminish implicit bias in prosecutorial charging decisions. The Bias Mitigation Platform, which was developed at no cost, ingests police incident report data and automatically eliminates race information, and other details that can serve as a proxy for race, in order to ensure prosecutors' charging decisions are not influenced by implicit biases.

Neighborhood Courts (2012)

In 2012, District Attorney Gascón launched Neighborhood Courts, an innovative model for keeping adults facing prosecution for low-level offenses from entering the criminal justice system. The program is designed to resolve cases efficiently, create community-driven solutions to crime, preserve our courts for serious crimes, and reduce recidivism.

- Recipient of the Innovation in Criminal Justice Award by the US DOJ/ Bureau of Justice
- Over 4,000 cases heard since Neighborhood Court was created
- 93% of participants appearance rate
- 95% successful resolution
- 78 grants provided back to the community through the Neighborhood Justice Fund
- Over 130 community members have served as volunteer adjudicators

Community Involvement and Participant Accountability

Non-violent misdemeanor cases that would otherwise be prosecuted are diverted pre-charging by the SFDA into ten Neighborhood Courts across the City (one for each police district), where trained neighborhood volunteers adjudicators hear the matters, speak with the participants (e.g. defendants under traditional prosecution) about the harm caused by their actions, and issue “directives” designed to repair that harm and address risk factors. Participation in Neighborhood Court is voluntary – but participants must be willing to take accountability for their actions. Once the participant completes their directives, the case is discharged. Cases that do not resolve in Neighborhood Court are returned to the SFDA for prosecution.

Innovation in Criminal Justice

1. Efficient. Cases can be heard within a couple of weeks and fully completed before the case would even appear in criminal court
2. Community-driven solutions. The community that is affected by the crime and the responsible individual are empowered to resolve the matter by addressing the harm that was caused by the act.
3. Justice reinvestment. By taking low-level cases out of our overburdened courtrooms, we can reserve justice system resources for the cases that need traditional prosecution – and reinvest resulting savings in prevention and services. A 2018 study found that Neighborhood Court costs up to 82% less than prosecution. Moreover, through our Neighborhood Justice Fund initiative, payments made by participants into a “community restitution” fund are redirected into grants to nonprofit organizations across the City.
4. Recidivism reduction. By keeping individuals facing low-level charges out of the traditional system, and, in the process, keeping convictions off their records, the Neighborhood Courts removes an obstacle to meaningful participation in the community. As individuals gain an understanding of the impacts of their actions, they may be less likely to reoffend. Principles of procedural justice, core to the operation of Neighborhood Courts, also help to promote successful completion of the program.

A Recognized Model

Neighborhood Courts was identified as a 2015 Innovation in Criminal Justice by the United States Department of Justice/Bureau of Justice Assistance, Association of Prosecuting Attorneys and Center for Court Innovation. The model has been replicated in Los Angeles and Yolo Counties, is currently undergoing implementation in Santa Cruz and Contra Costa Counties, and has garnered interest from jurisdictions across the country. In 2019, the RAND Corporation launched a three-year comprehensive evaluation of Neighborhood Courts, funded by the National Institute of Justice.

Neighborhood Adjudicators: Who are they?

Adjudicators are members of San Francisco's diverse neighborhoods who volunteer to hear the cases. They have been trained in restorative justice and problem solving. They are NOT defense attorneys, prosecutors, or judges. They include residents, merchants, students, parents and retired community members. During Neighborhood Courts sessions, adjudicators hear from the participant and the victim (in cases where there is a victim), and discuss the impact of the incident on the community. Our community-based partners, San Francisco Pretrial Diversion and Community Boards, provide ongoing training and support to our adjudicators, helping them to infuse restorative principles into the sessions and to craft individualized directives in each case.

Preventing High School Truancy: School-based Case Managers (2012)

In 2012, District Attorney Gascón set out to increase successful transitions to high school for San Francisco the students most likely to drop out of school. Data has shown that kids are most likely to disengage from their education at significant school transitions – primarily in from fifth to sixth grade (when they move to middle school), and then eighth to ninth grade (when they move to high school).

The transition to ninth grade is a particularly critical time – and one in which time is of the essence. Unfortunately, most supports for students aren't activated until a student has already started to struggle. The DA's concept was to provide these students with added support on their way in to the school year – before they started to skip school and fall behind.

In 2012-2013 the District Attorney's Office funded an on-site truancy case manager at Burton High School as a pilot program. We worked with Urban Services YMCA, which runs the City's Truancy Assessment and Resource Center, develop the program. Students are identified based on SFUSD's Early Warning Indicator (EWI) list, which identifies kids who, due to attendance and performance, are unlikely to successfully transition to high school. Rather than wait for kids to start failing, these case managers reach out to EWI kids before they start to exhibit truancy and school failure. In the current school year, the case managers are working actively with 36 students across the two schools. The schools also look to these staff to provide a number of other critical supports, including participating in weekly school team meetings, providing general support to other students, and facilitating parent/student workshops on attendance awareness.

In 2013-14 we funded positions at both Burton and Ida B. Wells Continuation High School (after the principal at Wells reached out to ask us for help). Since the 2014-2015 school year, the Department of Children, Youth and Their Families has continued to fund these two positions at \$130,000 annually. We have seen amazing examples of transformation for kids who entered high school feeling disengaged and behind. We also have received requests from other schools for such a position and have advocated for replication of the program in our San Francisco High Schools.

Proposition 36—Changes in the “Three Strikes” Law (2012)

In 2012 District Attorney Gascón endorsed Prop 36 to revise California’s unfair, disproportionate, and counterproductive “three strikes” sentencing law. Proposition 36 was drafted by some of the most prominent leaders and advocates in the legal profession, including Stanford Law professors, NAACP Legal Defense Fund lawyers, and some of the toughest and most respected law enforcement officers. In November 2012, California voters passed Prop 36, eliminating unnecessary, harsh, and ineffective life sentences for minor nonviolent crimes.

Reduces Overcrowding Safely and Creates More Room in Prison for Dangerous Felons

- As of 2014, over 1,600 prisoners have been released from custody under Prop 36
- The recidivism rate of prisoners released under Prop 36 is 1.3 percent.

Removes Unfair and Disproportionate Life Sentences

- A life sentence cannot be imposed for nonviolent, non-serious crimes, unless a special situation exists. These situations are limited and only include:
 - the new felony conviction is for a serious or violent crime
 - the new conviction is for certain sex or drug offenses or involves a firearm,
 - or an offender’s prior strikes are for rape, murder, or child molestation
- Non-violent “three strikes” inmates can petition for a shorter sentence, pending a determination by the court that the inmate is no longer a risk to society.
- Offenders who commit repeat low-level offenses are still sentenced to twice the ordinary sentence, but not to life.

Prop 36 is a Money-Saver

- According to the most recent [Stanford Law Study of 2014](#), “Proposition 36 has already saved California over \$30 million dollars in prison costs and has freed up valuable prison space for more dangerous criminals.”
- According to the same study, Proposition 36 is projected to save taxpayers over \$750 million over the next 10 years.

Proposition 47—The Safe Neighborhoods and Schools Act (2014)

What is Prop 47?

On November 4th, 2014, California voters passed the Safe Neighborhoods and Schools Act, also known as Prop 47, with about 60% of the vote.

Prop 47 reclassifies certain low-level, non-violent crimes from possible felonies to misdemeanors:

- Simple drug possession
- Petty theft under \$950
- Shoplifting under \$950
- Forgery under \$950

Individuals serving (or who have already served) sentences for crimes that were felonies, but are now misdemeanors under Prop 47, can request for resentencing and record expungement (they can have their felony record erased). Also, the Act requires that all savings generated from a decrease in the statewide prison population as a result of Prop 47 must be used for criminal justice reinvestment efforts.

Prop 47 is Working

- Prop 47 has led to a reduction in California's inmate population
 - 13,000 fewer prisoners in jails and prisons.
 - 9,000 less people in jail across the state.
 - 9% less people in jail across the state.
- Prop 47 has had major financial savings for justice reinvestment
 - \$100 Million in savings for justice reinvestment (more counselors, therapy, housing assistance, and job opportunities for those released from prison)
 - 32 beds for people with drug abuse problems in San Francisco
- Recidivism among those released under Prop 47 is low
 - <5% recidivism rate (as of 2015)
- Prop 47 has reduced racial disparities in California jails and prisons
 - 2.2% decrease between 2010 and 2015, the percent of prime-age African American males institutionalized went from 9.6% to 7.4%. The decline observed for African American males was six times that observed for white males

Public Safety Assessment—PSA (2016)

In 2016, District Attorney Gascón facilitated the adoption of the Public Safety Assessment, a validated pretrial risk assessment tool, in San Francisco.

The PSA

The PSA is an objective, research-based pretrial risk-assessment tool, designed by the Laura and John Arnold Foundation (LJAF), that measures risk factors to assist judges in making release/detention determinations. The SF Pretrial Diversion Project (SFPDP) completes a PSA on every person booked into SF County jail on a new felony or non-cited misdemeanor.

The PSA measures three types of risks during the pretrial stage: the likelihood that a defendant will commit a new crime, the likelihood that a defendant will commit a new violent crime, and the likelihood that a defendant will fail to return to court.

Predicting Risk

The PSA relies on risk factors, which are characteristics that, when present, indicate a statistically significant increased risk of pretrial failure. By analyzing data from over 1.5 million cases drawn from more than 300 jurisdictions across the US, LJAF found that the following criminal history risk factors are the strongest predictors of failure to appear and new criminal activity:

- 1) Whether the current offense is violent
- 2) Whether the person has a pending charge at the time of arrest
- 3) Whether the person has a prior misdemeanor conviction
- 4) Whether the person has a prior felony conviction
- 5) Whether the person has a prior conviction for a violent crime
- 6) The person's age at the time of arrest
- 7) Whether the person failed to appear at a pretrial hearing
- 8) Whether the person has previously been sentenced to incarceration

Risk Management

The PSA tool is the foundation of a new risk-based pretrial supervision model for San Francisco. Based on the three scores generated by the PSA—failure to appear (FTA), new criminal activity (NCA), and new violent criminal activity (NVCA)—the SF Pretrial Diversion Project applies a Decision Making Framework, resulting in recommendations that detain the highest risk defendants (when possible), release moderate risk defendants with interventions and services targeted to mitigate risk, and release low risk defendants with minimal or no conditions.

Racial Disparity Study (2017)

“An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney” (Raphael, MacDonald, 2017)

Summary of Findings

Through an analysis of cases presented to the San Francisco District Attorney’s Office for prosecution between 2008 and mid-2016, researchers found that racial and ethnic disparities in case outcomes tend to disfavor African Americans, Asians, and Hispanics relative to White suspects arrested in San Francisco. However, for the most part, these disparities are driven by characteristics determined prior to the District Attorney’s handling of the case. Significantly, the passage and implementation of California Proposition 47 in November of 2014 narrowed racial disparities for nearly all the outcomes measured.

Across six out of seven criminal case outcomes measured, African American defendants have the worst outcomes in San Francisco:

- They are the least likely to be successfully diverted.
- They are the most likely to be released to another agency or have a motion to revoke supervision filed against them.
- They are the most likely to have felony charges filed for a felony arrest.
- They are the most likely to be convicted on a felony arrest.
- They receive the longest sentences for felony convictions.
- They are the most likely to be sentenced to state prison.
- For the seventh outcome measure, the likelihood that the case will be discharged or dismissed, Asian suspects fared the worst.

Nearly all of the disparities measured are driven by case characteristics determined prior to the presentation of the case to the District Attorney’s Office, including: arrest charges; criminal history; criminal justice status (e.g. pending case; probation); pretrial detention (at the point of arrest).

The passage and implementation of California Proposition 47 in November of 2014 significantly narrowed racial disparities for nearly all the outcomes measured. Of particular interest, Prop 47 had a disproportionate impact on African American defendants, narrowing the racial gap associated with a criminal history and being detained pretrial, which led to a 50% decrease in the black/white sentence disparity in San Francisco.

- The study finds little evidence of the court dismissing cases filed by the District Attorney’s office at different rates across racial and ethnic groups, and those differences become insignificant after Prop 47.
- While the study finds little evidence of overt bias against any one race or ethnic group in the processing of criminal offenses in San Francisco, the results do indicate that factors associated with poverty, and that may have nothing to do with the underlying offense, bear upon disposition and sentencing outcomes in a manner that disfavors African American

defendants in particular. Prime among these factors is the observed impact of pretrial detention.

- Even in the post-Prop 47 era, pretrial detention and criminal history continue to drive disparities in outcomes between defendants in San Francisco. To the extent that prosecutors can maximize opportunities to safely release appropriate defendants from custody pretrial and maximize diversion opportunities that avoid conviction, these disparities may be further reduced.

Safe Access to Courts for Immigrants (2018)

Sponsored by District Attorney Gascón and in collaboration with Senator Scott Weiner and Assembly member Gonzalez Fletcher, the Safe Access to Courts for Immigrants Act (SB 785) does not allow the prosecution or defense in a criminal case to ask questions about a person's immigration status in public court, unless the judge allows it.

Immigration Status Must be Relevant

The presiding judge must rule at an in camera hearing (in his chambers in a non-public setting) that evidence about a witness's immigration status is relevant before it can be asked about in open court.

Witnesses Should Not be Afraid to Testify

In March 2017, California Chief Supreme Court Justice Tani Cantil-Sakauye sent a letter to U.S. Attorney General Jeff Sessions and Homeland Security Secretary John Kelly expressing concern over reports that immigration agents were stalking undocumented immigrants in California courthouses. By publicly stating the immigration status of individuals in our courthouses even when it is irrelevant to the trier of fact, some officers of the courts are chilling participation by undocumented immigrants by conveying to them that participation may lead to their deportation. Governor Jerry Brown signed the act into law in 2018.

Safety and Justice Challenge (2018)

In 2018, SFDA secured a \$2 million grant from the John D. and Catherine T. MacArthur Foundation to reform the local justice system. The funding supports the implementation of strategies that address the main drivers of local jail incarceration, including unfair and ineffective practices that take a particularly heavy toll on people of color, low-income communities, and people with mental health and substance abuse issues.

The City and County of San Francisco has been reducing its jail and prison populations at a pace that far exceeds state and national rates. According to a recent analysis, San Francisco's current incarceration rate of 279 per 100,000 population is less than half the rate for California, and less than one third the national rate. Furthermore, the analysis indicated that this decline in the correctional population has occurred at the same time as San Francisco's crime rate has reached historic lows.^{xv}

Despite a significant drop in San Francisco's incarceration rate and advancements in the county's custodial programs and community-based alternatives, there is still an over representation of young adults of color and those with behavioral health needs in our jails. To continue reducing the jail population safely, the collaborative will implement five key strategies aimed at addressing system inefficiencies and disparities, meeting the needs of those with behavioral health and substance abuse issues, and instituting non-jail options for individuals facing charges for lower-risk offenses.

The specific strategies include pre-arrest and pretrial diversion, criminal sentencing, and correctional strategies that emphasize rehabilitation and reduce recidivism, improvements to case processing efficiency, enhanced services for people with mental illness or substance abuse issues involved with the justice system, and root out disparity and racial bias. Over the next two years, San Francisco will develop evidence-based criminal sentencing and correctional strategies that emphasize rehabilitation and reduce recidivism, emphasize fairness, root out disparity and racial bias, prioritize public safety and victim protection, and efficiently use criminal justice resources. Ultimately, this funding will help eliminate the need for a replacement jail facility.

The San Quentin News Forums (2014)



"A life-changing experience." - District Attorney George Gascón

The First Forum and Partnership of its Kind

Born out of an unlikely partnership between a district attorney's office, a former newspaper owner, and inmate at San Quentin, the SFDA/San Quentin News Forum represents the first-of-its-kind collaboration at San Quentin between inmates and prosecutors to discuss incarceration, rehabilitation, and reentry to further push and evolve our criminal justice system.

A Growing Success

Since its inception in 2012, the Forum has expanded its reach. The SFDA's Office now takes trips to San Quentin with regularity, with each visit including a growing number of prosecutors from the office, politicians, and judges from throughout the Bay Area.

In 2017, District Attorney Gascón and members of the SFDA's Office led more than 40 elected district attorneys and approximately 28 assistant district attorneys from throughout the United States to San Quentin. The event occurred as part of the itinerary for an annual prosecutor's conference hosted by the SFDA's Office this year. The elected DAs in attendance came from New York, Baltimore, Chicago, Houston, and many other cities in between.

The Forum has also proved to be successful in another way. The inspiration behind the office's first-of-its-kind (for a prosecutor's office) Formerly Incarcerated Advisory Board ("FIA Board") came from a SQ Forum. The FIA Board, which includes District Attorney Gascón, members of his office, and formerly incarcerated men and women, meet regularly to discuss more effective strategies and policies for reducing recidivism.

Founded in 2012 by the SFDA's Office, a Former Newspaper Owner, and Inmate at SQ

The idea behind the Forum first developed after a prosecutor from the SFDA's office attended a general newspaper meeting at San Quentin. The meeting, held by a former newspaper owner and facilitated by the editor-in-chief of the San Quentin Newspaper, focused on skills development for

managing a successful publication. As the men interacted, they shared their personal insights on the role of incarceration in their lives and their ideas for impacting positive change beyond the walls of San Quentin. It quickly became apparent that the men had as much to impart as they had to learn. Recognizing the value of the conversation within the broader arena of criminal justice reform, District Attorney Gascón and a team from the office traveled to San Quentin months later to hear the men themselves, inaugurating the first Forum and beginning a growing relationship between the office and San Quentin.

Listening to their Experiences to Promote Public Safety

The purpose of the SQ News Forum is to promote public safety through honest conversations between the incarcerated men and prosecutors in our office. During forums, the men speak with truth and accountability about their crimes and their upbringing, and answer questions raised by prosecutors and policy thinkers from the office.

Broad topics of discussion include incarceration, rehabilitation, and reentry, and often lead to deeper discussions about factors that underlie criminal behavior, effective strategies for safely expanding rehabilitation programs, and the tools that the recently released need to succeed upon parole. The men also speak candidly about their childhoods, focusing on mechanisms to reduce the entry of at-risk juvenile offenders into the criminal justice system.

Path to Reform by Looking Within

The SQ News Forum provides a platform for men on the inside to be of service to the community on the outside. Through these conversations, there is hope that law enforcement and incarcerated individuals can work together by relying on each other's experiences to more meaningfully and justly transform our criminal justice system.

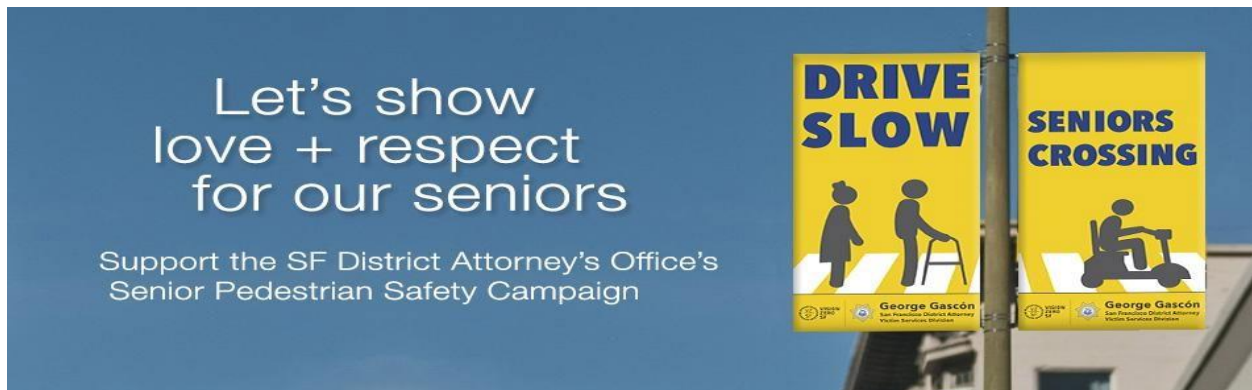
Secure Our Smartphones (2015)

In 2012, the increasing popularity of smartphones coincided with a surge in violent smartphone robberies. A stolen handset could be sold on the street for \$200 and then fenced to countries overseas where they could sell for as much as \$2,000.

District Attorney Gascón was the first official to hold smartphone manufacturers accountable, and request that they implement theft deterrent technology on their phones, later regarded as a “kill switch,” to make the valuable devices worthless in the event that they were stolen. He co-chaired an international coalition of law enforcement officials, big city mayors, and consumer rights groups called “Secure Our Smartphones,” which called on the smartphone industry to implement the existing technology. The companies refused, and the increasingly global epidemic hit its peak in 2013 with 3.1 million victims in the United States alone.

Subsequently, District Attorney Gascón drafted and helped pass legislation Senate Bill 962, which required every smartphone sold in California to come with “kill-switch” technology. The Secure Our Smartphones initiative and the corresponding legislation have been credited with a 50% reduction in smartphone robberies in San Francisco. Additionally, the required technology was implemented on handsets sold worldwide, and as a result, cities around the globe have seen similar reductions.

Senior Pedestrian Safety Awareness (2017)



SFDA, in support of Vision Zero SF, wants to help end senior citizen traffic fatalities within our city. Seniors are a particularly high-risk group as 63% of pedestrian fatalities in 2016 were seniors even though they only constitute 15% of the city's population. Furthermore, many of these deaths are often preventable. Red light running, failure to yield to pedestrians, and speeding were the top three causes of traffic fatalities.

Therefore, SFDA seeks to raise awareness for senior pedestrians in an effort to bring attention to the unique issues they face regarding traffic safety. In bringing this important matter to light, we hope to make San Francisco a safer environment for the numerous senior citizens who walk throughout the city. By driving more carefully around the city, yielding to pedestrians, and not speeding, we can show respect and appreciation for our seniors.

Facts

- In 2016, seniors (65+) comprised 15% of the population but made up 63% of all pedestrian fatalities.
- 88% of pedestrian fatalities in 2016 were people aged 60 and older.
- Senior pedestrians are 5x more likely than younger people to die from a vehicular collision.
- 62% of all senior pedestrian injuries and 71% of fatal or severe injuries occur on 12% of streets, known as the "High Injury Network".
- A person hit by a vehicle traveling 20 mph has a 90% chance of survival while a person hit by a vehicle traveling 40 mph has a survival rate of 20%.
- Priority locations where senior pedestrian incidents are most frequent.

Sentencing Commission (2012)

Advancing Public Safety and Utilizing Best Practices

The San Francisco Sentencing Commission, an initiative of the SFDA, was created through local legislation to:

1. Analyze sentencing patterns and outcomes
2. Advise the Mayor, Board of Supervisors, and other City departments on the best approaches to reduce recidivism
3. Make recommendations for sentencing reforms that advance public safety and utilize best practices in criminal justice.

Multidepartment Representation

The commission, which launched in 2012, includes representation from the SFDA, Public Defender's Office, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Police Department, Department of Public Health, Reentry Council, Superior Court, nonprofits serving both victims and ex-offenders, a sentencing expert, and an academic researcher with expertise in data analysis.

3 Working Groups

To date, the Sentencing Commission has reviewed a wide array of data and heard from experts on a range of issues, including: local, state and national sentencing trends and legislative reform; models for recidivism reduction; young adult offenders; drug law reform opportunities; and others.

Ultimately, through this work, the commission will make recommendations that establish a sentencing system that retains meaningful judicial discretion, avoids unwarranted disparity, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options.

Sentencing Planning Program (2012)

Prosecutors Role in Recidivism Reduction

Our prosecutors increasingly recognize that they can—and should—play a key role in recidivism reduction, but they need practical tools to take the leap from ideal to real.

In 2012, the SFDA launched the Sentencing Planning (SP) program, becoming the first office in the State of California to hire a Sentencing Planner. Since then, the program has doubled its capacity with two Sentencing Planners, and transforms the way that prosecutors approach cases by developing individualized sentences that address the needs and risks of justice-involved individuals. This model fundamentally shifts our prosecutorial mandate and approach, moving from the traditional metrics of conviction rates and prison terms to recidivism reduction and community safety.

Disrupting the Cycle of Crime

In 2011, following the passage of AB 109 (California Public Safety Realignment), individuals convicted of non-serious, non-violent, and non-sex crimes were either transferred from state prison to local jails or released on non-custodial mandatory supervision. Many of these individuals returned to the community with minimal or no services to address their criminogenic needs, increasing their risk of recidivating. In an effort to break this cycle of crime, the SP model focuses on offenders and their readiness for rehabilitation through the application of evidence-based practices designed to reduce reoffending and increase individual accountability.

Evidence-based Practices

The SP model is comprised of two Sentencing Planners with expertise in evidence-based programs to address criminogenic needs, and detailed knowledge of programs and services available in San Francisco. The SPs are assigned certain types of cases—primarily gang cases, and those involving young adults—and also receive referrals from prosecutors during the early stages of prosecution. An SP conducts an in-depth case review, often including interviews with the defendant and his/her attorney, to determine if alternatives to incarceration are appropriate for the defendant. The SP subsequently provides a written report with detailed recommended dispositions including education requirements, vocational training requirements, rehabilitation and behavior adjustment programs, and, when requested, the length and type of supervision. The prosecutor decides whether to incorporate the SP's recommendations into her final disposition.

Cost and Recidivism Reduction

The simplicity of the SP program belies the significance of its reform to the system. It redefines a “win” for prosecutors. It reduces costs across all stages of the criminal justice system—from the courthouse, where cases resolve faster, to jails and prisons, to the street, where police no longer expend resources on individuals who would otherwise remain enmeshed in the cycle of crime.

Independent evaluation of the SPP program, conducted by UC Berkeley in May 2014, found compelling evidence that it reduces recidivism and prosecutor reliance on incarceration. In 2019, SFDA added a third Sentencing Planner to focus on mental health needs.

Transforming Youth Justice: Closing Juvenile Hall (2019)

In spring of 2019, District Attorney Gascón worked with members of the San Francisco Board of Supervisors to introduce legislation that calls on the City to stop detaining youth in our juvenile hall by December 2021. The legislation, which passed by a vote of 10-1, creates a work group to develop a plan for expanding community-based options for system-involved youth, creating a smaller, less institutional secure setting for the small number of young people who require detention, and reinvesting justice system funds into our young people, their families and communities.

San Francisco Chronicle Open Forum: San Francisco is right to close juvenile hall

By George Gascón June 10, 2019 Updated: June 10, 2019 5:51 pm

Today we have both an opportunity and a mandate to reimagine our approach to young people who commit crimes. So, if we could start fresh, what would we do differently? We've learned a lot about adolescent development and neuroscience that validates common sense. For example, we know that fear destroys our capacity to learn. We know that isolation activates the harmful stress hormone cortisol in our bodies, with lasting damage. On the flip side, we know when young people are valued and heard, given personal agency, treated fairly and connected to others, they seek new paths and thrive.

Isolating a child in his or her bedroom for long periods is not an effective means of changing behavior. Yet when young people commit crimes, our response for decades has been to put them in a cold, concrete box. Are we really surprised that when they get out, they lash out?

The future of juvenile justice needs to reflect what we know now. When kids commit crimes, our response must include a range of strategies that lead to true accountability, collaboration, resolution and a better path forward for everyone involved. Those strategies should include supportive environments in our communities that are safer, more rehabilitative and much less costly than traditional juvenile detention.

Many jurisdictions will continue to need a secure setting for the small number of young people who must be detained — though as briefly as possible — in the interest of community safety. But we must leave the days of big juvenile institutions behind us.

I have devoted nearly four decades of my life to keeping our communities safe as a beat cop on the streets of Los Angeles, as a police chief in Mesa, Ariz., and San Francisco, and now as an elected prosecutor. Over this time, American law enforcement leaders have evolved as data and research have proven that public safety suffers when we rely too heavily on our most expensive intervention: incarceration.

As we rethink our approach to juvenile detention, we should expect as much of our justice system—and of ourselves—as we do of young people: to learn and grow from our mistakes, to try new things even when they feel uncomfortable, to resist lashing out on impulse, and to move beyond immediate gratification and think about the long term. None of these things is easy to do at any age, but the future of these kids, of our communities' safety and of our justice system depends on it.

Young Adult Court (2015)

San Francisco Young Adult Court

In 2015, SFDA partnered with justice agencies and community organizations to develop a “Young Adult Court” (YAC) designed to address the unique needs of young adults—ages 18-25. YAC offers a “collaborative, problem-solving” model to young adults charged with both violent and non-violent felonies and misdemeanors. While excluding criteria do exist—including the use of a firearm and individuals with a prior strike—the San Francisco model seeks to address the root causes of more serious crime. Together with San Francisco’s existing services for these transitional age young adults, YAC was created to ensure justice-involved young adults start their path into adulthood with the support they need to be healthy, engaged members of their families and communities.

YAC is a partnership of the District Attorney, San Francisco Superior Court, Public Defender, Adult Probation Department, Felton Institute, Goodwill Industries of San Francisco, San Mateo & Marin Counties, Sunset Youth Services and UCSF Citywide Forensic Case Management. The program is funded through the San Francisco Department of Children, Youth and Their Families, California Board of State and Community Corrections, and the District Attorney’s Office.

YAC: Much More than a Courtroom

The YAC model goes beyond mere court appearances and builds on San Francisco’s work of establishing “collaborative” courts that coordinate responses to promote law-abiding behavior. Through collaboration with justice system colleagues and community organizations, justice-involved young adults are supported through a four-phase process that lasts 12-18 months: Engagement and Assessment; Stability and Accountability; Wellness and Community Connection; and, Program Transition (and graduation).

Each stage of the process includes additional activities and milestones that must be met before advancing to the next, as well as coordinated support services from city agencies and community organizations.

Promising Results

While program evaluation is underway, initial results indicate some early success. As of June 30, 2019, almost one hundred young adults have graduated from YAC and the program consistently is filled to capacity. The model has generated significant interest from other communities across the country and internationally, with replication efforts underway in Orange County California, Massachusetts and Texas.

END NOTES

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- ^{iv} “Eliminating Mass Incarceration: How San Francisco Did It,” James Austin, 2016.
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- ^{vi} “Collecting and Using Data for Prosecutorial Decisionmaking; Findings from the 2018 National Survey of State Prosecutors’ Offices,” Urban Institute, September 2018.
- ^{vii} “An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney,” Steven Raphael, John MacDonald, 2017.
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